



# **L I C E N S I N G S U B - C O M M I T T E E C**

Tuesday, 26 April 2022 at 7.00 pm

Until further notice, all Licensing Sub-Committee meetings will be held remotely

The live stream can be viewed here:

[https://youtu.be/zp\\_cf4iqLug](https://youtu.be/zp_cf4iqLug)

Back up:

<https://youtu.be/KcuGXgApsK8>

Members of the Committee:

Cllr Brian Bell (Substitute),

Cllr James Peters,

Cllr Emma Plouviez (Substitute).

**Mark Carroll**  
**Chief Executive**  
**14 April 2022**  
[www.hackney.gov.uk](http://www.hackney.gov.uk)

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# **Licensing Sub-Committee C**

## **Tuesday, 26 April 2022**

### **Agenda**

- 1 Election of Chair**
- 2 Apologies for Absence**
- 3 Declarations of Interest - Members to declare as appropriate**
- 4 Minutes of the Previous Meeting** (Pages 9 - 48)

Member to consider the following draft minutes of the Licensing Sub-Committee:

- 11 November 2021 (To Follow)
- 9 December 2021
- 3 March 2022
- 10 March 2022

- 5 General Information and Hearing Procedure** (Pages 49 - 60)
- 6 Premises Licence: The Guitar Social, 3 Mare Street, E8 4RP** (Pages 61 - 96)
- 7 Premises Licence: Salt Salon, 3 Gillet Street, Stamford Works, Unit 10A N16 8JH** (Pages 97 - 122)
- 8 Temporary Event Notices - Standing Item**

## ADVICE TO MEMBERS ON DECLARING INTERESTS

Hackney Council's Code of Conduct applies to all Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- Director of Legal, Democratic and Electoral Services
- the Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

You will have a disclosable pecuniary interest in a matter if it:

- relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

If you have a disclosable pecuniary interest in an item on the agenda you must:

- Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- You must leave the meeting when the item in which you have an interest is being discussed. You cannot stay in the meeting whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the meeting and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.

Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the meeting, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the meeting unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the meeting whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the meeting. Once you have finished making your representation, you must leave the meeting whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

#### Further Information

Advice can be obtained from Dawn Carter-McDonald, Director of Legal, Democratic and Electoral Services via email [dawn.carter-mcdonald@hackney.gov.uk](mailto:dawn.carter-mcdonald@hackney.gov.uk)

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## MINUTES OF THE MEETING OF LICENSING SUB COMMITTEE D

THURSDAY 11TH NOVEMBER 2021 AT 2PM

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED AT:  
<https://youtu.be/fRY-vKqLDFs>

<b>Councillors Present:</b>	<b>Cllr Peter Snell (Chair)</b> <b>Cllr Emma Plouviez</b> <b>Cllr Brian Bell</b>
<b>Officers in Attendance:</b>	<b>Peter Gray - Governance Services Officer</b> <b>Amanda Nauth - Licensing and Corporate Lawyer</b> <b>Suba Sriramana - Acting Principal Licensing Officer</b>
<b>Also in Attendance:</b>	<b><u>Summary Review - 165 Mare Street &amp; 163 Mare Street</u></b> <b><u>Applicant:</u></b> <b>Police Authority- PC Sian Giles, PC Nick Gerry</b> <b>Guy Ladenburg - Barrister</b> <b>Tracy J Wisbey - Solicitor</b> <b>Nathalie Charles - Solicitor</b>  <b><u>Premises Licence Holder/Representatives:</u></b> <b>Yasar Yildiz - Premises Licence Holder</b> <b>Sarah Clover - Barrister</b> <b>Helen Ward - Solicitor</b> <b>Felix Faulkner - Solicitor</b>  <b><u>Responsible Authority:</u></b> <b>Environmental Protection - George Wokorach</b> <b>Licensing Authority - David Tuitt</b>  <b><u>Other Person:</u></b> <b>William Davies</b>

**1. Appointment of the Chair**

- 1.1 Councillor Peter Snell was duly elected to Chair the meeting.

**2. Apologies for Absence**

- 2.1 There were no apologies for absence.

**3. Declarations of Interest**

- 3.1 There were no declarations of interest.

**4. Licensing Sub-Committee Hearing Procedure**

- 4.1 The hearing procedure as set out in the agenda pack was explained to all participants.

**5. Application for Expedited/Summary Review of Premises Licence: The Dolphin 165 Mare Street, London, E8 4AH**

- 5.1 Barrister representatives made representations for an extended speaking time in order to present a fair overview of the review application. The Chair agreed, given the nature of the review case, to offer flexibility in regard to speaking times at the Sub-Committee. Guy Landenburg clarified that the Police wished only for the CCTV evidence to be considered in private as this may prejudice a criminal investigation. The sub-committee agreed to this application and that the footage be considered after the summing-up stage with both Counsel viewing the footage and having the opportunity to comment on the footage, if required.
- 5.2 Sarah Clover submitted that she had not been notified that William Davis, Other Person, was going to speak at the hearing and asked if a regulation 8 notice had been issued.
- 5.3 William Davis confirmed that he was a resident of Bayford Street.
- 5.4 The Business Regulation Team Leader confirmed that William Davis had returned the regulation 8 notice on 3 November 2021 in accordance with the Hearings Regulations.
- 5.5 The Chair confirmed that the two previous licences and the current premises licence were before the Sub-Committee. Clarification on any difference in circumstances would be sought from Counsel.



5.6 The Principal Licensing Officer introduced the three applications before the Sub-Committee. The Metropolitan Police had applied for summary reviews of the premises licence granted for the premises known as:

- The Dolphin, 165 Mare Street E8 4AH (104306).
- The Dolphin, 165 Mare Street, E8 4AH (Licence No: LBH-PRE-T-0669).
- The Dolphin, 165 Mare Street, E8 4AH (Licence No: LBH-PRE-T-0669).

This followed an incident of serious crime and disorder that occurred in the early hours of 15 October 2021. There had also been a failure to comply with conditions imposed on the licence. Representations had been received from the Police and Environmental Protection.

5.7 Guy Landenburg made submissions in support of the application, highlighting the following:

- PC Gile's Statement;
- A series of closure notices had been issued;
- Non-compliance in 2019. 4 visits to the premises in April and 4 in May 2019;
- There had been a series of closure notices requiring the premises owner to resolve breaches;
- Recurring themes of failing to abide by conditions;
- Loud music emanating from the premises;
- Insufficient security staff at the premises;
- The Scanner was not used at the premises;
- No proper training regime for staff;
- Lack of familiarity about the conditions on the premises licence on the part of the premises owner;
- Numerous breaches of COVID-19 rules at the premises;
- The premises was closed for a period following Covid Regulations. However, when the premises were reopened the Licence holder did not take the failures brought to his attention seriously;
- The pattern of disregard for the conditions on the licence had continued into 2021;
- A warning letter had been issued against the premises;
- Meetings had been held between the Police Authority, the Licensing Authority and the Premises Licence holder to discuss issues at the premises;
- A long history of non-compliance led to the standard review being submitted at the start of October 2021;
- An incident of grievous bodily harm had occurred at the premises on 15 October 2021. The Ambulance Service had contacted the police, although this was the responsibility of the premises licence holder who did not do this;
- The victim had not been properly attended to before the police arrived with no SIA presence at the venue;
- No attempt to detain the suspect;
- There was a sexual assault at the premises on 22 September 2021 - not notified to the police by the premises owner;
- Incident of actual bodily harm on 5 November 2021- not notified to the police by the premise owner;
- Licensing objectives not been upheld by poor management at the premises;

- The only option available was to revoke the licence;

5.8 Sarah Clover made submissions to the Sub-Committee on behalf of the premises licence owner, highlighting the following:

- In regard to the incident on 15 October 2021, staff at the premises had contacted the Police;
- The staff at the premises had identified the perpetrator;
- The premises owner had held the licence since 2003 without serious episodes occurring;
- The premises catered for regulars and locals;
- The sexual assault was unsubstantiated;
- The other assault case was unresolved;
- It was unfair to assert that there was a pattern of disregard over 2 ½ years;
- The premises had not been trading because of COVID-19 lockdown for in excess of a year;
- Yasar Yilhiz agreed to step down as DPS in July 2021 with this transferred to his wife;
- The noise abatement notice was challenged;
- The premise was capable of abating the noise issues;
- The premises was situated in a vibrant area of the Borough;
- There had been no resident complaints since 2003;
- In 2019 recorded music was added to the licence - The Environmental Health objection at that time was withdrawn;
- The premises offered a lot of employment opportunities;
- The Dolphin Bar was a well established premises in the area;
- Local economy was part of the Sub-Committee's consideration;
- The licence owner was having marital problems with divorce proceedings ongoing;
- The licence holder jointly owned and held the premises licence with his wife It was noted that she was not present at the hearing.

5.9 The Chair asked for clarification in regard to whether the perpetrator had been identified.

5.10 Sarah Clover confirmed that her instruction was that staff knew who the perpetrator was and had given those details to the Police.

5.11 The Senior Environmental Protection Officer made submissions on behalf of Environmental Protection, highlighting the following:

- The receipt of noise complaints at the premises since 2019;
- On duty on 4 September and witnessed very loud music at the premises;
- Premises owner agreed to commission an acoustic consultant;

5.12 Sarah Clover submitted that the evidence given on behalf of Environmental Protection had not previously been disclosed. Details of complaints had been requested but not received.

- 5.13 The Senior Environmental Protection Officer confirmed that this evidence had not been disclosed. The Chair advised that he should refer only to specific incidents reported in advance of the hearing. George Wokorach highlighted:
- A number of visits to the premises with loud noise emanating;
  - The Owner was in a position to lower the noise at the premises;
- 5.14 The Senior Environmental Protection Officer referred to the fact that noise abatement notice can be serviced based on likely occurrence.
- 5.15 The Licensing Lawyer confirmed that the Defence Lawyer had the right to details of the complaints in order that she could respond to them.
- 5.16 William Davis (Other Person) highlighted the following:
- Loud noise emanating from the premises at late hours, interfering with sleep;
  - Waste behind the property;
- 5.17 Councillor Bell asked for clarification in relation to the request for reduced operating hours.
- 5.18 William Davis confirmed that during the week the request was for 11:00pm or earlier and at the weekend 12:00pm.
- 5.19 The Chair drew the Sub-Committees' attention to the conditions relating to waste.
- 5.20 In response to a question from the Chair, Guy Landenburg confirmed that the Police attended the venue in response to a request from the London Ambulance Service in relation to the incident involving grievous bodily harm. As regards the incident involving sexual assault, the suspect had been taken from the premises by the door supervisors. He confirmed that the Police had not been called by the premises manager on either of these occasions. PC Giles confirmed that she had requested additional CCTV footage in relation to the sexual assault. There had been no responses to the request for CCTV footage. In relation to the grievous bodily harm, the request to attend the premises had been received from the Ambulance Service at 02:04.
- 5.21 Councillor Bell asked for clarification on the preparation of an action plan by the Licence holder following discussions with the Police and why a licence was not on display in 2021.
- 5.22 Sarah Clover stated that Yasar Yildiz's statement outlined that he regretted that he had not progressed the action plan. This was a result of an ongoing acrimonious divorce. Yasar Yildiz confirmed this fact and that a decision in regard to ownership of the premises would be decided soon. Sarah Clover confirmed that the missed action plan related to 2020. She submitted that oversight was not a risk to the public. Further, Yasar Yilhez had relied heavily on his manager who was now deceased. She submitted that the premises could trade compliantly and confirmed

that Yasar Yilhiz accepted the transgressions he had made. She further submitted that the licence could be suspended until the remedial steps were implemented.

5.23 Councillor Gilbert Smyth asked for clarification on the following:

- Whether the identification of the suspect was known;
- Was the premises part of the Hackney nights accreditation scheme and whether it had taken part in pub watch and safety for women;
- How did the victim's statement match the CCTV footage;
- Why was the victim's statement provided on 21st October, a considerable time after the incident;
- In relation to condition 32, he asked for confirmation on whether the noise limiter device was working to officer satisfaction and whether there was an opinion on background music after 23:00;

5.24 Guy Landenburg stated that a suspect had not yet been confirmed. Mismatches between the CCTV and the victim's statement would be explored in any criminal proceedings. He confirmed that it was not unusual for victims in such a case to give a statement at a later date.

5.25 Sarah Clover confirmed that Yasar Yilhiz was a member of 'Pubwatch'. Safety for women could be incorporated into the staff training. She submitted that there was no dispute in relation to what had happened to the victim but the timings contradicted the Police statements. Further, the Police had not contacted the staff at the premises regarding the incorrect telephone number provider. She confirmed that noise limiters were used at the premises

5.26 PC Giles stated police staff resources were limited. Yasar Yilhiz had attended a Pubwatch meeting on one occasion in June 2021. She confirmed that it was not unusual for there to be a delay in the preparation of the witness statements.

5.27 Helen Ward - Solicitor confirmed that Yasar Yilhiz could check on details of the online provider. She confirmed that the premises licence was changed in 2019, allowing recorded music at the premises to the extended hours. The extent of the concerns of residents had not been brought to the premises owner's attention.

5.28 The Senior Environmental Protection Officer confirmed that no records were available in relation to the case because of the cyber attack. He confirmed that if the noise limiter was in place there would not have been noise issues for residents. He confirmed that Environmental Health did not set the sound limiter.

5.29 Sarah Clover made submissions in closing, highlighting the following:

- That there was an element of ambiguity in regard to the incident on 15 October 2021;
- Much had been done by the premises staff to identify the suspect;
- That there was limited police resources;
- Lengthy history of trading at the premises;
- Problems with management and the team at the premises;
- When remedial steps are taken the premises will revert to compliant trading.

5.30 William Davis reiterated in closing that residents wanted a reduction in noise from the premises.

5.31 Guy Landenburg made submissions in closing, highlighting the following:

- Multiple breaches of conditions demonstrating the premises owner's unfitness to promote the licensing objectives;
- The premises owner had multiple opportunities to take remedial steps;
- No action had been taken in relation to undertakings made to the Sub-Committee in 2019;
- Weak management at the premises;
- No firm action plan for improvement at the premises;
- Yasar Yilhiz was not present at the hearing;
- That the licence should be revoked;
- The police consider that a suspension would not solve shortcomings at the premises;

5.32 The Chair asked if there were particular circumstances in relation to the other two applications that would require further consideration. The parties submitted that there were no such particular circumstances. Sarah Clover highlighted that there was a joint licensee who was not before the Sub-Committee. Suba Sriramana confirmed that the joint licensee had been contacted in regard to the premises licence.

5.33 The CCTV evidence was considered in private.

5.34 The Sub-Committee went into private session to decide on the applications.

5.35 The Chair announced the decision of the Sub-Committee in public, in regard to the three applications.

5.36 The Licensing Sub-Committee decided that revocation of the premises licence was appropriate, and a necessary course of action, given the repeated failures to comply with the terms and conditions of the premises licence, and the serious incident that occurred on 15th October 2021 which has been taken very seriously. The Sub-Committee also considered the other options available to it, as detailed in the report. The Sub-Committee was satisfied that none of these options would adequately address the likelihood of crime and disorder re-occurring. They felt that the licensing objectives would continue to be undermined.

5.37 The Sub-Committee heard submissions on interim steps to be taken.

5.38 Guy Landenburg submitted that the interim suspension was in place and that the suspension should continue as this was an inevitable consequence of the Sub-Committee's decision.

5.39 Sarah Clover submitted that the licence holders should be given the opportunity to appeal the decision and to prove themselves pending the appeal. She submitted that there was not a risk to the public and that if the interim suspension remained in

place the business would be closed down. She submitted that the Sub-Committee could impose a suspension for a shorter period of time to allow the premises holder to liaise with the Police in regard to any action to be taken for the premises to trade until the appeal.

- 5.40 The Chair stressed that the Sub-Committee had made the decision to revoke the licence because it considered that there was a risk of ongoing harm and that the management could not be trusted. Councillor Smyth concurred with this view. Councillor Bell stated that he had not heard any arguments that would stop the interim steps in place.
- 5.41 The Chair confirmed that the written confirmation of the decision of the Sub-Committee would be circulated the following day.
- 5.42 Guy Landenburg submitted that in light of the decision of the sub-committee the standard review submitted before 15 October 2021 did not now need to proceed.

## Decision

The Licensing Sub-Committee, in considering this decision from the information presented to them within the report and at the Summary Review hearing have determined that having regard to the promotion of the licensing objectives and in particular:

- Prevention of crime and disorder
- Public Safety
- Prevention of Public Nuisance
- The Protection of Children from Harm

### (i) Decision on the Expedited Summary Review:

This is a decision on the three premises licences issued in respect of the Dolphin, Wine Bar and Restaurant, 163 and 165 Mare Street, Hackney, London E8 4AH.

The Licensing Sub-Committee after carefully considering the evidence presented to them at the Summary Review by the Metropolitan Police Service and their representative, the Licence holder and their representative, Environmental Protection and Other Persons (local residents) decided to **revoke** the following 3 premises licences. The reasons for this decision are set out below:

#### **1. The Dolphin, 165 Mare Street, Hackney, London E8 4AH - Licence No: LBH-PRE-T-0669**

**2. The Dolphin, 165 Mare Street, Hackney, London E8 4AH - Licence No: 104306**

**3. Dolphin Wine Bar and Restaurant, 163 Mare Street, Hackney, London E8 4AH – Licence No: LBH-PRE-T-0906**

It was agreed by the Metropolitan Police Service that the standard review applications submitted to the Licensing Authority before 15th October 2021 have been dispensed with, and withdrawn.

**(ii) Decision on Interim steps for the Dolphin, Wine Bar and Restaurant, 163 and 165 Mare Street, Hackney, London E8 4AH:**

After hearing the representations from both the Metropolitan Police Service's representative, and the Licence holder's representative, the Licensing Sub-Committee decided that the interim steps issued on 15th October 2021 shall continue pending any appeal. Given that they did not have confidence in Mr Yildiz's ability as the Licence holder to uphold the licensing objectives, they were not persuaded there were any grounds to suspend the interim steps. They took into consideration the police's ongoing concerns about crime and public safety.

**The Reasons for the Decisions: Expedited Summary Review and Interim Steps:**

The Licensing sub-committee felt after carefully considering the application from the Metropolitan Police Service ("the police") and hearing submissions from their representative, and the representations from the Licence holder, Mr Yasar Yildiz and their representative, and the supporting evidence presented to them decided that revocation of the premises licence was appropriate, and a necessary course of action, given the repeated failures to comply with the terms and conditions of the premises licence, and the serious incident that occurred on 15th October 2021 which has been taken very seriously.

The sub-committee also considered the other options available to them, as detailed in the report. They were satisfied that none of these would adequately address the likelihood of crime and disorder re-occurring. They felt that the licensing objectives would continue to be undermined.

The sub-committee carefully considered the evidence relating to the serious incident that led to the Summary Review being called by the Metropolitan Police Service. The sub-committee noted that the Licence holder had held the licence for 18 years. However, since 2019 to date the Licence holder demonstrated a pattern of disregard for the conditions on the licence, and the licensing regime which was a concern.

The sub-committee took into account that there was no action plan in place to improve the operation of premises even though the police had meetings with the Licence holder raising their concerns.

The sub-committee heard that the premises were closed for a period following Covid



Regulations. However, when the premises were reopened the Licence holder did not take the failures brought to his attention seriously which is a concern. The sub-committee felt that the Licence holder did not engage with the police to overcome their concerns.

The sub-committee took into consideration that the Licence holder, Mr Yildiz allowed the following breaches of the licence to occur, which undermined the licensing objectives:

- i) non-compliances with several conditions on the licence including Issues with the scanner not operating properly, and no training regime in place;
- ii) failing to comply with licensing and Covid-19 regulations and breaches of statutory notices served on the premises,
- iii) failure to comply with warning letters sent and the consequences if they did not comply,
- iv) failure to report the serious incident that took place on 15.10.21, and the incident had been cleaned up before the police arrived. v) On 26.09.21, a sexual assault took place at the premises that was reported to the police after the event,
- vi) On 05.09.21, an assault was reported at the premises. The police were not informed by the licence holder.

The sub-committee was concerned that despite a serious incident, evidenced by video footage, that was viewed by the sub-committee, no appropriate follow up action was taken by the Licence holder or the management of the premises.

The sub-committee felt these breaches of the licence, and the incident that took place are completely unacceptable. The sub-committee has very serious concerns about the ability of the Licence holder, Mr Yildiz to uphold the licensing objectives particularly his ability to ensure public safety. The sub-committee recognised that this was poor judgement on the part of the Licence holder. The Licence holder has a duty to promote the four licensing objectives at all times.

While it was noted that the Licence holder had gone through a difficult period personally the failures to comply with the conditions on the licence and to ensure public safety is not acceptable.

The sub-committee heard that prior to the recent incident on 15 October 2021 the police had made an application to the Licensing Authority for a standard review following breaches of the conditions of the premises licence. The Licence holder had more of a track record of non-compliance in spite of working with the police and the Licensing Authority over a period of time and issues relating to the premises being brought to their attention.

The sub-committee had concerns that the licence holder was not taking his duties as



licence holder seriously and had no control over what occurred at the premises.

The sub-committee did not hear in evidence from the licence holder anything that addressed their concerns about the history and serious incident that occurred at the premises, and they were not provided with any plans to improve the management and operation of the premises.

The sub-committee took into account that the licence holder jointly owned and held the premises licence with his wife, Nuvit Yildiz who are currently going through a divorce. It was noted that Nuvit Yildiz was not present at the hearing. The sub-committee heard that Nuvit Yildiz had been sent a notification letter about the review hearing that was sent to the premises, and they heard that there were no other contact details for Nuvit Yildiz.

The sub-committee took into consideration that both Licence holder's were jointly and severally liable for the operation of the premises, however, it was noted that the Licence holder did not provide contact details for Nuvit Yildiz and the licence holder did not ask for an adjournment. The sub-committee were satisfied that it was appropriate to proceed with making their decision on this Summary Review taking into consideration the section 182 Guidance on reviews arising in connection with crime, and that decisions are made for the benefit of the wider community.

The sub-committee when making their decision took into consideration the evidence presented by the Metropolitan Police Service. The evidence relating to this serious incident, together with the breaches of the conditions of the licence, caused the sub-committee to have no confidence in the Licence holder, and the current management of the premises. The sub-committee felt they were not capable of upholding or promoting the licensing objectives given the issues raised. In addition the sub-committee had no confidence that the Licence holder will comply with conditions on the licence given their history of non-compliance with the licence conditions.

## **6. Temporary Event Notices**

6.1 There were no Temporary Event Notices.

**End of Meeting.**

**Duration of Meeting: 2-5pm**

Chairperson: Councillor Peter Snell

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**MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE C  
THURSDAY, 9 DECEMBER 2021**

Live stream available at: <https://youtu.be/NT1nRh0QKr8>

**Councillors Present:** **Cllr Emma Plouviez (Chair)**  
**Cllr M Can Ozsen and Cllr Penny Wrout**

**Officers in Attendance:** Robert Gardner - Enforcement & Business  
Regulation Manager  
Rabiya Khatun - Governance Services Officer  
Amanda Nauth - Licensing and Corporate Lawyer  
Suba Sriramana - Acting Principal Licensing Officer  
David Tuitt - Business Regulation Team Leader

**Also in Attendance:** Ye Olde Axe, 69 Hackney Road, E2 8ET  
David Forbes - Premises licence holder's  
representative  
Thomas Melody- Premises licence holder

**1. Election of Chair**

1.1 Councillor Plouviez was duly elected to chair the meeting.

**2. Apologies for Absence**

2.1 Apologies for absence were received from Cllr Peters.

**3. Declarations of Interest**

3.1 There were no declarations of interest.

**4. Minutes of the Previous Meeting**

4.1 The minutes of the previous meetings held on 3 August 2021 and 14 September 2021 were agreed as a correct record.

**5. Licensing Sub Committee Hearing Procedure**

5.1 The hearing procedure as set out in the agenda pack was explained to all participants.

**6. Review of premises licence: Ye Olde Axe, 69 Hackney Road, E2 8ET**

- 6.1 Subangini Sriramana, Acting Principal Licensing Officer introduced the report in respect of an application for a review of the premises licence Ye Olde Axe on the ground of the prevention of crime and disorder following numerous breaches of requirements under The Health Protection (Coronavirus) Regulations 2020 and continued unlicensed operation as a Sexual Entertainment Venue (SEV).
- 6.2 The Sub Committee noted the additional information from the premises licence holder, which had not been included in the agenda pack.
- 6.3 Robert Gardner, Enforcement & Business Regulation Manager, on behalf of the Licensing Authority, made submissions speaking in support of the summary licence review under the grounds the licensing objective of the prevention of crime and disorder, highlighting the following:
- During the pandemic officers had visited a large number of licensed premises in the borough and although some were non-compliant this premises was one of the worse premises with no controls in place or observing any of the legal requirements of the Regulations at the time to prevent the spread of Covid and protect customers and staff;
  - The witness statements from officers visiting the premises on 4 July and 9 July 2021 within the agenda pack outlined the breaches of the Health Protection Regulations 2020. These included no posted QR codes for customers to scan, no records of customers contact details, no social distancing in the premises, no table service, patrons and staff not wearing face coverings, and patrons being served at the bar. The licensee was subsequently fined £1,000;
  - Officers had also witnessed during these visits the premises operating as a SEV without a current licence and customers being approached and customers appearing to approach women in the bar area, which were in breach of the social distancing within the Regulations;
  - The premises also lacked basic controls and supervision. Officers also observed during their two visits that there had been no residual evidence of any controls being put in place previously such as posters and staff enforcing social distancing;
  - The performances witnessed on the first floor on 4 and 9 July 2021 had been intimate and physical with no social distancing and in breach of the Regulations 2021. The nature of the performances without a table or dias and the intimate contact during the performances would have amounted to a breach of the SEV licence and standards expected including no physical contact. Moreover, as part of the Covid restrictions all premises offering sexual entertainment had been informed to cease these activities including during 9 July 2021;
  - The licensee was an experienced operator and should have been familiar with licensing legislation and Covid regulations relating to the entertainment industry which had been extensively publicised on the television and news;

- Bishop's Stortford was approximately 32 miles and approximately 55 minutes from the premises;
- The licensee had a conviction and fine for an offence under the Fire Safety Order in 2019 with respect to a public house he previously owned; and
- It was emphasised that the premises had not been better managed since the SEV licence had been granted in May 2019.

6.4 The Sub Committee requested clarity on the review application and the Licensing Authority's representative replied as follows:

- The licensee's temporary address of Bishop's Stortford was approximately 32 miles, which was not a long distance to commute to the premises; and
- It was confirmed that the police had not accompanied Licensing Officers during their visits to the premises on 4 and 9 July 2021 but had accompanied officers during a visit after 9 July 2021 for the voluntary closure of the premises following safety concerns.

6.5 David Forbes, the premises licence holder's representative, made submissions speaking in opposition to the summary review of the licence, highlighting the following:

- This application was made on two grounds, which was a breach of the Health Protection (Coronavirus) Regulations 2020 and unlicensed operation as a Sex Entertainment Venue. It was argued that the SEV was not relevant to the hearing as the licensee had submitted a renewal application and had been awaiting a hearing date;
- The licensee accepted that the premises had been in non-compliance with the Health Protection Regulations with regard to the table service requirement on 4 and 9 July 2021. The licensee had relied upon his bar manager during his absence to inform staff to postpone the relaxation of the requirements from 21 June until 19 July but this had not been done. The licensee accepted that it was his responsibility and paid the fixed penalty of £1,000 imposed for the breach;
- It was argued that on 4 and 9 July 2021 the recording of customers details on entry and wearing face masks were desirable and not prohibited in the Regulations and these alone did not amount to a breach of the Regulations;
- He disputed that the premises had been operating as an unlicensed SEV. A licence had been granted in 2019 and a renewal application had been submitted in March 2020, which was due to be considered by the Licensing Sub Committee at a forthcoming meeting;
- He stated that the private dance performances might have breached the SEV licence and argued that the licence granted in 2019 remained in force on 4 and 9 July 2021 and continued in force by virtue of Paragraph 11 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, where a renewal application had been made prior to the expiry of the licence it would be deemed to remain in force

until its determination even though the expiry date had passed. Any breaches of the SEV licence would not necessarily amount to a breach of the Public Health Regulations 2020;

- The licensee had held a premises licence for 30 years and it would be wholly disproportionate to revoke the licence on the grounds of breaching the table service requirement when this had been adequately dealt with by the imposition of the fixed penalty; and
- The licensee normally resided at the premises but had temporarily moved to Bishop's Stortford to provide emergency care for his young grandson.

6.6 Following all submissions, the Chair led a discussion on the application, during which the following responses were made:

- The Licensing Authority's representative clarified they were seeking to revoke the premises licence only;
- The Licensing Authority's representative confirmed that all SEV licences had been suspended under the Covid regulations and any SEV operations during 4 and 9 July 2021 would have been in breach of the Regulations;
- The Business Regulation Team Leader clarified that the regulations being relied upon at this hearing were The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 and the government's four-step roadmap. There had been a delay in implementing step 4 from 21 June to 19 July. It was confirmed that during the visits to the premises on 4 and 9 July 2021 the premises had been in Step 3 of the roadmap and considered under 'restricted business' and therefore these Covid requirement failures were breaches;
- The Licensing Authority's representative stated that the Licensing Services had provided advice and guidance on the coronavirus regulations to all licence premises holders but had not been approached by the licensee for any advice;
- The Licensing Authority's representative clarified that officers had not visited the other three SEV premises in the borough but had visited many other licensed premises during the Service's routine visits;
- The premises licence holder's representative argued that no specific regulations had been breached and revocation was a disproportionate response to a sole breach of the table service requirement. The breaches of track and trace and face mask wearing were technical arguments;
- The licensee's representative confirmed that the fine related to the breach of table service; and
- The premises licence holder's representative emphasised that the licensee was entitled to a fair hearing based on legal requirements and the papers submitted at the meeting.

6.7 The premises licence holder's representative was asked if he wanted additional time to read the regulations but declined as he believed the other breaches presented at the meeting were not within the Regulations.

6.8 The Chair indicated that the Sub Committee would take a common sense approach to the interpretation of the Regulations at the time the incidents occurred and also noted that the premises as a restricted business was open when it was not permitted under the Regulations.

**RESOLVED:**

**The decision**

**Review of the Premises Licence – Ye Olde Axe, 69 Hackney Road, London E2 8ET**

**The decision of 9th December 2021**

The Licensing Sub-Committee, in considering this decision from the information presented to them within the report and at the hearing today and having regard to the promotion of the licensing objectives:

- The prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- The protection of children from harm,

that the premises licence for Ye Olde Axe, 69 Hackney Road, London E2 8ET be revoked.

**The Reasons for the Decision:**

The Licensing sub-committee felt after carefully considering the application from the Licensing Authority, considering representations from the Licensing Authority, and the representations from the Licensee's representative, and the supporting evidence decided that revocation of the licence was appropriate, and a necessary course of action, given the failures to comply with the Covid-19 regulations during the pandemic which is taken very seriously.

The sub-committee took into consideration the evidence from the Licensing Authority that due to there being breaches of the licence, no controls in place, and the serious breach of Covid regulations. Revocation of the licence was necessary given that the Covid regulations were well publicised, and had been in force for some time.

The sub-committee was satisfied that no other options would adequately address the breaches of the Covid regulations or the licensing objectives being undermined in the future.

The sub-committee considered the evidence relating to the site visits that led to the Review being called by the Licensing Authority. They took into consideration that the

management of premises allowed the following to occur, which undermined the Licensing objectives:

- i) During the pandemic Licensing officers had visited the premises on 4 July and 9 July 2021. This premises had no controls in place, and failed to observe any of the legal requirements of the Regulations at the time to prevent the spread of Covid and protect customers and staff;
- ii) The witness statements from the Licensing officers that visited the premises outlined the breaches of the Health Protection Regulations 2020. These included no posted QR codes for customers to scan, no records of customers contact details, no social distancing in the premises, no table service, patrons and staff not wearing face coverings, and patrons being served at the bar. The licensee was subsequently fined £1,000;
- iii) The premises also lacked basic controls and supervision. Officers also observed during their two visits that there had been no residual evidence of any controls being put in place previously such as posters and staff enforcing social distancing;
- iv) As part of the Covid restrictions all premises offering sexual entertainment had been required to cease these activities. The Covid regulations came into force on 29th March 2021. Under Schedule 3, Paragraph 9(1)(e) of The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021. The premises was required to cease offering sexual entertainment. This was a clear breach of the Covid regulations that were in force for some time, and prior to the visits made by the Licensing officers in July 2021;
- v) The licensee was an experienced operator and should have been familiar with licensing legislation and Covid regulations relating to the entertainment industry which had been extensively published nationwide on the television and news;

The sub-committee felt that the way the premises were operating in breach of the Covid-19 Regulations during the pandemic was completely unacceptable. There were very serious concerns about the ability of the licensee to uphold the Licensing objectives following these breaches. The sub-committee recognised that this was poor judgement on the part of the management of the premises in the absence of the licence holder who was away from the premises at the time the Licensing officers visited the premises. The premises lacked supervision and had no experienced staff running the premises.

The sub-committee, having heard the evidence from the licensee, the licensee's representative, and the Licensing Authority felt that there was no guarantee the public would be safe due to the failure to comply with the regulations. In addition the sub-committee took into account that there was no protection for the dancers, and there was no protection with masks observed at the premises. The dancers were put at greater risk due to Covid-19.



The sub-committee took into account that the licensee only felt that they were in breach of the Covid table service requirements. They did not take into consideration the other Covid Regulations that they were in breach of. It was clear that the licensee did not consider the impact on the staff and members of the public which, as an experienced licence holder, he should have considered. The sub-committee took these breaches very seriously.

The sub-committee when making their decision took into consideration the lack of confidence in the management. They were not confident, given the serious health and safety issues raised, that the current management in charge of the premises and the licensee are capable of upholding or promoting the licensing objectives and the failure to comply with the Covid-19 Regulations under The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021. The sub-committee considered that this was a serious risk to public health and safety and to members of staff at the premises.

## **7 Temporary Event Notice - Standing Item**

7.1 There were no temporary event notices.

**Duration of the meeting:** 19.00- 19.58

**Contact:**

**Rabiya Khatun**

Governance Services Officer

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**DRAFT MINUTES OF THE LICENSING SUB-COMMITTEE  
HELD ON  
THURSDAY 3 MARCH 2022 AT 2PM**

**THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED HERE:**

**Main:**

<https://youtu.be/U9GEG3dpvZQ>

**Backup:**

<https://youtu.be/71Us93Lymuw>

- Chair:** Councillor Peter Snell in the Chair
- Councillors in Attendance:** Councillor Brian Bell and Councillor Emma Plouviez
- Apologies:** There were no apologies for absence
- Officers in Attendance:** Peter Gray (Governance Officer), Amanda Nauth (Planning and Licensing Lawyer) Suba Sriramana (Principal Licensing Officer)
- Also in Attendance:** British Food and Wine, 329 Old Street, London  
PC Sian Giles (Police) (Applicant)  
Craig Bayliss (Agent for the Applicant)  
Onur Sioren (Premises License Holder)  
Channing Rivere (Licensing Authority)  
The Kingsland - 267 Kingsland Road, London  
David Dadds (Solicitor for the Applicant)  
Ismail Tezgal (Applicant)  
PC Kerry Ryan (Police Authority)  
Councillor Kam Adams (Other Person)  
Thomas Fleming (Other Person)  
Lauren Collins (Other Person)

**1. Apologies for Absence**

- 1.1 There were no apologies for absence.

**2. Declarations of Interest - Members to declare as appropriate**

- 2.1 There were no declarations of interest.

**3. Minutes of the Previous Meeting**

**RESOLVED:**

- That the minutes of the meeting held on 14 October and 25 November 2021 be agreed as a true and accurate record of proceedings.

**4. Licensing Sub-Committee Hearing Procedure**

- 4.1 The Sub-Committee noted the hearing procedure

**5. Application to review a premises licence: British Express, 329 Old Street EC1V 9LE**

- 5.1 The Principal Licensing Officer introduced the application from the Metropolitan Police for the review of 2 premises licences under section 51 of the Licensing Act 2003 in regard to 329 Old Street EC1V 9LE on the grounds of the prevention of crime and disorder, public safety prevention of public nuisance and the protection of children from harm. The second premises licence had been transferred. Representations remained from the Licensing Authority. The applicant had submitted additional evidence which had been circulated.

- 5.2 PC Sian Giles made submissions to the Sub-Committee highlighting the following:

- Repeated breaches of the premises licence;
- That the venue was in the Special Policy Area (SPA);
- Closure notice was served due to persistent sales to children in 2019;
- Numerous after hours sales, most recently in November 2021 and December 2021;
- Breaches of conditions during numerous licensing visits;
- Breaches of conditions that had hindered Police investigations;

- Incidents of disorder, including a stabbing and continuous anti-social behaviour outside the venue;
  - In December 2021 there was an under-age sale;
  - The behaviour continued despite attempts to solve the problems;
  - There had been 5 meetings with the management and owners of the venue with many emails sent in regard to the Licences, including 2 warning letters;
  - To note the voluntary reduction in hours until 11pm with closure at 02:00. However, this was a temporary measure as a response to the review. Reversion to the normal hours could take place after this;
  - Magnum tonic wine was still being sold;
  - Crime and disorder continued to occur at the venue;
  - The only option in these circumstances was the revocation of the licence.
- 5.3 The Chair asked for clarification in regard to the transfer of ownership and whether this impacted on the recommendations.
- 5.4 PC Sian Giles confirmed that there had been a transfer of licence, to which the Police had no objections, but this did not change the opinion that revocation of the licence was necessary. The manager who had presided over the issues at the premises would still be in charge of the venue.
- 5.5 The Principal Licensing Officer made submissions in support of the application, highlighting the following:
- Support for the Police in their decision to review the licence and seek revocation;
  - Consistent failings by the operators of the premises, including underage sales, breaches of various conditions, after hours sales, failure to keep CCTV for the required amount of time, and breaching the licensing objectives;
  - A failure to improve on the part of the venue;
  - The premises was in the SPA that required more responsible management at the venue;
  - The Police had attempted to engage with the premises operators to improve matters with little change at the premises;

- 5.6 The Chair asked, in the circumstances of a transfer of the licence, could the Sub-Committee consider the new licensee?
- 5.7 The Principal Licensing Officer confirmed that, in the circumstances of a transfer of the licence the Police would have the right of objection;
- 5.8 The Licensing and Planning Officer confirmed that if the Sub-Committee decided to revoke the licence the decision could be appealed. The transfer of licences could only be considered by the Police.
- 5.9 Craig Bayliss made submissions against the application, highlighting the following management improvement and proposals:
- Thanks to the Police for trying to resolve the issues at the venue;
  - Reference to Salman Kurt who had been the licence holder for both licences. He would not surrender one of the licences. The Solicitor had now surrendered this licence and the review only related to licence 1342. Salman Kurt was the owner of the premises and had involvement with other licence premises. He had not complied with Police requests in regard to the premises. He was now no longer involved in the premises although he owned the building;
  - The premise licence owner had reduced the licence hours for the sale of alcohol since 1 January 2022;
  - That the premises should be given a 6 month probationary period to give time to demonstrate that improvement can be made;
  - The premises will be licensed until 23:00;
  - Efforts would be made to move the focus of the ant-social behaviour;
  - 2 SIA door staff to be employed – Thursday to Saturday – 9pm to 2pm;
  - Paracetamol and balloons were no longer sold at the premises;
  - New Designated Premises Supervisor (DPS) had been employed at the premises, independent of the Company;
- 5.10 The Chair asked for clarification on why there had been a long delay in taking action at the premises;
- 5.11 Craig Bayliss clarified that the applicant had not been a Licensee holder and that Salman Kurt had not responded to the engagement from the Police.
- 5.12 Councillor Plouviez asked if the applicant had a personal licence. She asked for clarification on management responsibilities, stating that the applicant was the manager throughout and as such, he must have been aware that selling to minors was a serious matter.
- 5.13 Chris Bayliss confirmed that the applicant had a personal licence. He told the Sub-Committee of the attendance by the DPS and the applicant on Friday to

Saturday to monitor the situation at the premises. The Police had addressed their concerns to Salman Kurt who had not engaged with the Police. There had been much retraining of staff at the premises with the implementation of challenge 25.

- 5.14 Councillor Bell asked for clarification in regard to Salman Kurt's relationship to the premises, expressing concern that he may not abide by the current agreement
- 5.15 Chris Bayliss told the Sub-Committee that the only involvement that Salman Kurt had was as the owner of the building.
- 5.16 The Chair asked for clarification on the relationship between the premises and the remainder of the building.
- 5.17 Chris Bayliss confirmed that a licence to occupy the premises was in place at the premises, with renewal every 3 years.
- 5.18 The Principal Licensing Officer referred to the Sub-Committee papers, stating that the Police had 5 meetings with Salman Kurt and the applicant and that in December 2019 a meeting was held with the applicant on the closure notice. Chris Bayliss confirmed that the applicant had no power to act.
- 5.19 Councillor Plouviez asked if it would be acceptable to reduce the hours to 11pm on a permanent basis. Chris Bayliss confirmed that this would be acceptable.
- 5.20 The DPS submitted that the Shop had never and would never sell balloons.
- 5.21 In summing up, Chris Bayliss highlighted the following:
- The reduction of the terminal hour for the sale of alcohol to 11pm;
  - That there could be a condition in regard to the prevention of the sale of super strength beer and wine;
  - That this was an ordinary review and not expedited;
  - If an appeal were lodged, the owner could continue in unrestricted business.
- 5.22 In summing up, The Principal Licensing Officer submitted that the management of the premises had not changed and had interacted with the Police in regard to issues at the premises over a protracted period of time. He said that there had been breaches of the licence even after training at the premises.
- 5.23 The Planning and Licensing Officer confirmed that it would not be appropriate for the Sub Committee to consider the reduction in hours and that all matters would need to be considered by the appeal process. Chris Bayliss disputed this opinion.
- 5.24 In summing up, PC Sian Giles highlighted that:

- The Police maintained its position in requesting the revocation of the licence;
- Efforts to work with the venue to uphold the licensing objectives had been undermined by the venue;
- Only slight improvements had been made at the premises.

**Decision:**

The Licensing Sub-Committee, in considering this decision from the information presented to them within the report and at the hearing today and having regard to the promotion of the licensing objectives:

- The prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- The protection of children from harm,

that the premises licence for British Express, 329 Old Street, London EC1V 9LE be revoked.

**The Reasons for the Decision:**

The Licensing Sub-Committee felt after carefully considering the application and representations from the Metropolitan Police Service (the police), also considering representations from the Licensing Authority and Environmental Enforcement, and the representations from the Licensee's representative, and the supporting evidence decided that revocation of the licence was appropriate, and a necessary course of action, given the repeated failures to comply with the terms and conditions of the premises licence.

The Sub-Committee also considered the other options available to them, as detailed in the report. The Sub-Committee was satisfied that none of these would adequately address the likelihood of crime and disorder re-occurring. The Sub-Committee felt that revocation of the licence was necessary to prevent the licensing objectives being undermined in the future. .

The Sub-Committee considered the evidence relating to the site visits that led to the Review being called by the Metropolitan Police Service, and the following failings which undermined the licensing objectives:

- i) The sale of alcohol outside of the hours authorised by the premises licence in November and December 2021.
- ii) The sale of alcohol to persons under the age of 18. The police issued a Closure Notice in 2019 for persistent under age sales in 2019. There was again an underage sale in December 2021.



iii) Disorder, anti-social behaviour and one violent incident relating to the premises.

iv) There were issues with the CCTV and breaches of the licence conditions over a protracted period of time. In spite of the interaction with the police, the licensing objectives continued to be undermined by the management of the premises and they failed to comply with the conditions on the licence.

v) The police have regularly visited the premises relating to incidents of robbery, anti-social behaviour and other crimes. The premises is located in the Shoreditch Special Policy Area which suffers from problems generated by cumulative impact of licensed premises in the area. The police carried out 3 licensing visits, sent 2 warning letters and a number of emails to the licensee regarding the repeated breaches of the conditions on their licence. In addition the police had 5 meetings at the venue with the licensee and management to try and resolve the issues. However, the licence conditions continued to be breached.

vi) With regard to the recent change in Designated Premises Supervisor the police did not object to this transfer, but the premises is still being operated by the same manager who was aware of the previous and ongoing breaches of the premises licence. Therefore, there is no confidence that the premises would now operate responsibly.

vii) Condition 4 was not complied with until after staff training was provided. Staff training did not commence until 14 days after the breach of conditions. There was a subsequent breach of conditions after the staff training session.

The Sub-Committee felt that the way the premises were operating was completely unacceptable, and the licensee failed to engage with the police to resolve the breaches of the licence conditions. There were very serious concerns about the ability of the licensee to uphold the licensing objectives following these breaches. The premises lacked supervision and staff trained on the licensing regime to operate the premises responsibly.

The Sub-Committee, having heard the evidence from the licensee's representative, the Metropolitan Police Service, and the Responsible Authorities (the Licensing Authority and Environmental Enforcement) felt that the police presented credible evidence in support of the Review application.

The Sub-Committee took into consideration the evidence submitted by the Responsible Authorities in support of the Review application and the representations made by the police.

The Sub-Committee took into account that the licensee offered reduced operating hours to 23:00 and a change of the Designated Premises Supervisor, however, this did not allay their concerns about the operation of the premises. The Sub-Committee felt that the reasons given for non-compliance of the licence conditions and the repeated failings of the premises were not convincing.

The Sub-Committee, when making their decision took into consideration the lack of confidence in the management. They were not confident, given the serious issues raised in relation to crime and disorder, public nuisance, and public safety, that the current management of the premises and the licensee are capable of upholding or promoting the licensing objectives.

**6. Premises licence: The Kings Land, 267 Kingsland Road, London, E2 8AS**

6.1 The Principal Licensing Officer introduced the application for a premises licence under sections 17 of the Licensing Act 2003 at 267 Kingsland Road for background music, recorded music and the consumption of alcohol, on and off the premises. Representations remained from the Police, the Licensing authority and the Other Person.

6.2 David Dadds made submissions in favour of the application, highlighting the following:

- Agreement to reduce the hours for the sale of alcohol;
- Request for a licence on Friday and Saturday to 01:30am hours with closure at 2:00pm with core hours for the rest of the week;
- As an alternative, if core hours were granted, TENs would be used in the meantime to demonstrate that the venue could promote the licensing objectives with a further application later in the year:
- The maximum capacity was 70 persons;
- Live music and recorded music was intended;
- Many robust conditions to be in place;
- Last entry to the premises at 1:00 pm;
- 4 previous TENs at the premises with no issues arising;
- There was no crime and disorder at the premises;
- The venue had been an established public house for many years;
- Past representations did not relate to the current operator;
- Each application should be judged on its own merits;
- The applicant would promote the licensing objectives;

6.3 The Chair asked for clarification on what was included in the application.

6.4 David Dadds confirmed that the hours sought would be core hours during the week, except for Friday and Saturday, until 01:30 hours.

6.5 PC Kerrie Ryan made submissions against the application, highlighting the following;

- There had been violence and confrontations in the street outside this premises;

- Residents objected to another licenced premises at this location;
  - The application aimed to replicate what was previously at this location;
  - The hours proposed would attract a disorderly crowd;
  - The Police welcomed the reduction in hours at the premises;
  - The applicant had links to other premises in the area where anti-social behaviour had arisen;
  - On New Years Eve when operating a Temporary Event Notice, the applicant was not aware that live music was a licensable activity;
  - Any breach of a premises licence made the sale of alcohol unlawful;
  - Consistent breaches to conditions at the venue;
  - The Police have had numerous conversations with the applicant with little or no progress made;
  - There had been limited dialogue with the applicant;
  - Fear that the licensing objectives will be undermined;
- 6.6 The Chair asked for clarification on whether such premises were an expansion of nightlife in Shoreditch or a cluster of businesses. He stated that the SPA had relevance in this case. He asked if the Sub-Committee was minded to grant the application what the Police's position would be in regard to non-standard hours for Christmas and New Year.
- 6.7 PC Ryan considered that there was a mixture of premises in the area with some people arriving in the area for late drinking. She confirmed that the Police would object to non-standard hours at the premises.
- 6.8 The Principal Licensing Officer made submissions against the application, highlighting the following:
- The proposed DPS was the sole Director of the company. He was DPS for 2 neighbouring premises in the area, one of which was Unit 7 A warning letter had been sent to this premises in regard to failing to provide CCTV for the investigation of a complaint in November 2021. More recently there had been 9 complaints from local residents;
  - Breaches of conditions on the licence;
  - Given the track record and the history of the premises in relation to crime and anti-social behaviour it was considered that the premises would not be operated in a way that promoted the licensing objectives;
- 6.9 The Chair asked for clarification in relation to the previous licence being surrendered and whether the premises was unsuitable to be licenced. He asked for details of those who had complained.

- 6.10 The Principal Licensing Officer referred to the hours of operation at the premises and activities there. There was no dispersal and clearing of patrons away from the premises on closing. He submitted that there was anti-social behaviour at the premises. He further submitted that If the existing Licence holder was having difficulty in managing the existing premises he could not be expected to operate a new premises to a standard that prevented any of the historical issues from re-emerging. He told the Sub-Committee that the residents who had complained lived in the local vicinity.
- 6.11 The Sub-Committee noted the written submissions of Jacey Frewin (Community Safety and Enforcement Officer), including a series of conditions to be imposed on the licence.
- 6.12 Councillor Adams (Other Person) made submissions against the application, highlighting the following:
- The grant of a licence would not promote the licensing objectives because of crime and anti social behaviour, and would undermine the prevention of public nuisance, public safety and the protection of children from harm;
  - The site was previously occupied by a nightclub with issues around serious anti-social behaviour;
  - The granting of the licence would have a negative impact on those living in the community, with increased noise disturbance and would encourage other venues to apply for the extension of hours;
  - The application was poorly advertised;
  - Several letters of objection submitted on concerns about an increase in crime, public nuisance, public safety and the protection of children from harm;
  - The business needed to be compatible with the area.
- 6.13 Thomas Fleming (Other Person) made submissions against the application, highlighting the following:
- Meetings with Councillors and Police in 2019 when residents expressed their concerns about too many late night licences;
  - Riotous atmosphere on the street in that area;
  - Accountability of venues becomes impossible;
  - Excessive smoking outside the premises until late;
  - Street parties in the area;
  - Concerns around another late night venue.
- 6.14 The Chair stated that activities in the area had become a matter for concern.
- 6.15 David Dadds highlighted the following:
- The Police had not raised matters relating to cumulative impact;
  - The premises was suitable for purpose;
  - Excessive weight was being placed on the licence holder's inability to operate a premises;

- There were no crimes or disorder at the premises;
  - The applicant was not a Premises Licence Holder of 'U7' or 'Under the Bridge', but rather the DPS;
  - Robust conditions were being offered;
  - There had not been a breach of conditions;
  - The premises had a limited capacity;
  - There had been no complaints when TENs were in operation at the premises.
- 6.16 The Chair confirmed that it was for the applicant to prove that there would not be a cumulative impact in the SPA. He asked for clarification on the disputed planning use.
- 6.17 The Principal Licensing Officer confirmed that the applicant was the DPS of 2 neighbouring premises, involved with the day to day management of the premises which had received complaints from residents and did not provide CCTV footage to the Police. He confirmed that the complaints related to licensing and planning matters.
- 6.18 Councillor Plouviez stated that the premises had a difficult history in a residential area. She asked for clarification on the applicant's relationship to the other two premises.
- 6.19 David Dadds reiterated that the applicant was the DPS of the 2 venues. U7 had no issues arising with one household making complaints. Under the Bridge had been operating for 8 years. Allegations of any breaches would be defended. There had not been anti-social behaviour at the premises.
- 6.20 The Licensing and Planning Lawyer clarified that each application should be considered on its own merits with the application being considered afresh, taking into account that the premises had previously been used as a venue.
- 6.21 David Dadds confirmed that the fact that the premises was previously licenced was a consideration.
- 6.22 Councillor Adams stated that there had been anti-social behaviour at U7.
- 6.23 Councillor Plouviez asked if the applicant wished to make a comment on his approach to the venue.
- 6.24 The applicant stated that the concept was for a Jazz lounge with live music with no large crowds attending.
- 6.25 Amanda Nauth asked for clarification on whether the applicant was a director of the limited company. David Dadds confirmed that he was. He confirmed that the licence application was meant to mirror the previous licence.
- 6.26 Lauren Collin made submissions against the application, highlighting that the venue was very close to blocks that belonged to the Thames Valley Housing

Association and that the area was very residential. Residents were very concerned about the potential for cumulative impact in the area.

- 6.27 Channing Rivere asked for clarification in regard to the original application when recorded music was to be played until 4:30am with non-standard timings.
- 6.28 David Dadds responded:
- That the applicant was of good character;
  - The applicant was not a director or shareholder of U7 or Under the Bridge;
  - The original application was to mirror the existing licence;
  - A noise Limiter was in place and the premises was small;
  - Each application should be considered on its own merits;
  - Non standard hours would be removed and TENs would be used;
- 6.29 Thomas Fleming clarified that there were 2 venues opposite. He considered that the venue had the appearance of a bar/ nightclub.
- 6.30 Councillor Bell asked for clarification on capacity at the premises and on which floors the venue would be located. He expressed concern at the overlapping conditions in the application. He considered that the number of smokers outside should be reduced to 6.
- 6.31 David Dadds clarified that the capacity was to be 70. The venue would be located on the ground floor and basement. He confirmed that the number of smokers outside could be set at 6. He confirmed that the applicant had accepted all the conditions.
- 6.32 In summing up, Councillor Adams stated that the premises would cause cumulative impact with a negative effect on the residents in the area with much social housing at the rear of the premises.
- 6.33 In summing up, Thomas Fleming stated that the granting of the licence would lead to a period of stress for the residents.
- 6.34 In summing up, Channing Riviere stated that while the reduction in hours and capacity were welcome, concerns remained around the licence holder's ability to be DPS of a third premises. Details of staff training or the dispersal policy had not been made available. If the application was approved by the Sub-Committee, some proposals such as core hours would be acceptable to the Licensing Authority.
- 6.35 In summing up, PC Kerry Ryan highlighted the following:
- That the Police would wish to see the non-standard hours removed from the licence;
  - That the Police had no confidence that the premises would be run in such a manner as to uphold the licensing objectives.
  - The Police considered that the applicant should first demonstrate that he can be responsible at his other venues before taking over a further licence.



6.36 In summing up, David Dadds highlighted the following:

- The applicant was a DPS at 2 other premises;
- The applicant was of good character;
- There were no convictions or warnings against the applicant;
- There was no crime or disorder at Under the Bridge;
- The allegation of a breach of conditions at Under the Bridge was robustly defended;
- If the application were granted the applicant would cease to be the DPS at the other 2 premises;
- There would be no charge for admission to the premises;
- The venue would be a music orientated;
- There was no evidence of cumulative impact;
- A noise limiter had been installed.

**Decision:**

The Licensing Sub-committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance;
- The protection of children from harm;

the application for a premises licence has been refused in accordance with Licensing Policies LP1, LP2, LP3 and LP11 within the Council's Statement of Licensing Policy.

**Reasons for the decision:**

The Licensing Sub-committee, having heard from the Responsible Authorities (the Metropolitan Police Service and the Licensing Authority) and Other Persons believed that granting the application for a premises licence would be likely to result in the licensing objectives being undermined, and would have a negative impact on the residential area.

The Sub-Committee took into consideration the representations of the Metropolitan Police Service ("the police") and their objection to this application because the applicant is a Designated Premises Supervisor (DPS) at a premises that has continued to breach conditions on the premises licence which is a concern. The police made submissions that there was no trust or confidence in the applicant and the police felt that if a premises licence was granted that the licensing objectives would be undermined. The police were disappointed that the applicant only made contact with the police two days before the Licence Sub-Committee hearing. The police welcomed a reduction in the hours as discussed with the applicant, however, this did not allay their concerns.

The Sub-Committee heard the police submissions that each application is considered on its own merits, however, when there is a link to other premises that

are breaching the conditions of their licence it raises concerns about how this premises, the Kings Land will operate. The police concluded that they do not have enough trust and confidence in the applicant and they maintained their objection to the application. The Sub-Committee noted the Licensing Authority supported the representations made by the police.

The Sub-Committee also heard from the Licensing Authority who made submissions that the applicant is the Designated Premises Supervisor for two other premises in the area which have experienced complaints from local residents about breaches of the premises licence such as failing to provide CCTV recordings when requested.

The Licensing Authority contended that the applicant was the DPS of two other premises, and the Responsible Authorities consider the applicant is a point of contact to operate those premises responsibly without breaches of the licence conditions. The Sub-Committee noted that the applicant has not provided the Responsible Authorities with a draft dispersal policy and a staff training program for the Kings Land.

The Sub-Committee took into account the representations made by the Other Persons (local residents). It was noted that there were 13 objections received from the local residents objecting to the application. The local residents had concerns about the impact of the premises in a residential area and creep in recent years in the area.

The Sub-Committee carefully considered the representations made by the applicant, the applicant's representative together with those of the Metropolitan Police Service, the Licensing Authority and Other Persons (local residents). However the Sub-Committee were not convinced that the applicant would be able to operate the premises responsibly and maintain the licensing objectives. The Sub-Committee had concerns that the applicant did not understand the licensing conditions and what is required to operate the premises responsibly.

The Sub-Committee took into account that the premises are located in a difficult area that is likely to have an impact on local residents in the area.

The Sub-Committee noted that the applicant did not engage with the Responsible Authorities at an early stage but just two days before the hearing, and that there was no dispersal policy and training. The Sub-Committee took into consideration that the Responsible Authorities did not support the application.

The Sub-Committee took into consideration when refusing this application that each case is considered on its merits. The Sub-Committee believed that the licensing objectives could not be promoted by granting this application, and as such believed it was appropriate to refuse the application in its entirety.

## **7 Temporary Event Notices - Standing Item**

7.1 There were no temporary events notices.



**End of meeting**

**Duration of Meeting: 2-5pm**

**Chair:** Councillor Peter Snell

**Contact:**

Name: Peter Gray

Telephone: 020 8356 3326

Email: [peter.gray@hackney.gov.uk](mailto:peter.gray@hackney.gov.uk)

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## **MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE**

**D THURSDAY 10 MARCH 2022**

**Councillors Present:** Cllr Emma Plouviez in the Chair

Cllr Brian Bell and Cllr Anya Sizer

**Officers in Attendance:** Amanda Nauth - Licensing and Corporate Lawyer  
Gurch Patti - Temporary Events Notice Officer,  
Community Safety, Enforcement and Business  
Regulation  
Andy Spragg - Governance Services Team Leader  
Suba Sriramana - Principal Licensing Officer

**Also in Attendance:** PC Neal Hunwick – Police

### **1. Election of Chair**

Cllr Plouviez was duly elected as Chair for the meeting.

### **2. Apologies for Absence**

There were no apologies for absence.

### **3. Declarations of Interest - Members to declare as appropriate**

There were no declarations of interest.

### **4. Minutes of the Previous Meeting**

There were no minutes to consider.

### **5. Licensing Sub - Committee Hearing Procedure (Temporary Event Notice)**

Those present noted the procedure.

### **6. Temporary Event Notice: 119 Wallis Road, E9 5LN**

6.1 The Principal Licensing Officer introduced the report. The Sub-Committee heard representations from the police and Environmental Protection. It was outlined that both Responsible Authorities had concerns about the lack of information provided in support of the Temporary Event Notification (TEN). The police commented that they were unable to adequately risk assess the event without additional documentation such as a dispersal plan.

6.2 It was clarified that the applicant had received requests for further information from the police on 9 February and from Environmental Protection on 10 February. No

further information was provided, and it was noted that the applicant was not in attendance.

**Thursday 10 March 2022**

6.3 The Sub-Committee discussed the local area, and it was clarified that other TENs had been granted in relation to the venue, on the grounds sufficient information and adequate mitigation measures were in place to support the licensing objectives.

6.4 In concluding the Chair highlighted that the failure to engage with Responsible Authorities meant the Sub-Committee could not be assured the event organiser had adequately considered the safety of those attending or the noise impact on those in the area.

## **Decision**

The Licensing Sub-Committee, in considering this decision from the information presented to it within the report and at the hearing today, has determined that having regard to the promotion of all the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance; and
- The protection of children from harm

and in particular upon consideration of the 'objection notice' given by the Metropolitan Police Service and Environmental Protection, is satisfied that the proposed event would undermine the licensing objectives. Therefore, the Licensing Sub-Committee has decided to issue a counter notice.

## **Reasons for the decision**

The Licensing Sub-Committee took into consideration the objections received from the Responsible Authorities: (the Metropolitan Police Service on 9 February and Environmental Protection on 10 February) to the Temporary Event Notice for the period from 22:00 on 12th March, and finishing at 04:30 on 13th March 2022, which contended that this event would undermine the licensing objectives, on the grounds of crime and disorder, public safety, and prevention of public nuisance. The Sub Committee carefully considered the reasons for this objection.

The Sub-Committee noted that the premises user did not attend the hearing and made no written representations in response to the objections raised by the Metropolitan Police Service and Environmental Protection.

The Sub-Committee heard representation from the Metropolitan Police Service (the police) that the premises user did not provide sufficient information for the police to adequately risk assess this event for 350 people to attend a family birthday party.

The police made submissions that they required information on who would be operating the premises and organising the event. In addition the police required from the premises user the following:

- i) A written dispersal plan,
- ii) noise management plan,
- iii) details of the security firm being used,
- iv) evidence of the premises user's experience of running large scale events,

**Thursday 10 March 2022**

- v) sight of an acoustic report into the suitability of the first floor space for the proposed event.

The police made submissions that premises are directly opposite a residential area, and the impact of the noise breakout from the first floor needed to be considered.

The Sub-Committee heard representation from Environmental Protection that the addition of regulated entertainment to this event could amount to a statutory noise nuisance and undermining the licensing objectives. Environmental Protection also needed to see evidence of a noise management plan and dispersal plan for the proposed event.

The Sub-Committee took into consideration that the premises user gave no information or assurances about how dispersal would be dealt with, and how the premises user would prevent the noise breakout from the premises that would affect over 100 local residents residing directly opposite the premises.

The Sub-Committee felt that the premises user failed to engage with the Responsible Authorities to address their concerns given that the proposed event was on the first floor of the premises, and the potential for noise breakout that would affect the local residents directly opposite the premises. The Sub-Committee noted that previous events at the premises were on the ground floor and in the basement which would have resulted in less noise impact.

The Sub-Committee felt that due to the size and capacity of the premises, and the limited number of staff that would be running the event it was legitimate for the Responsible Authorities (the police and Environmental Protection) to ask for the information requested. Both private parties and organised events of this size: 350 required proper contact and appropriate measures to protect those attending. The premises user has a duty to operate the event responsibly and in cooperation with the Responsible Authorities.

The Sub-Committee therefore considered that allowing the event to take place in accordance with the Temporary Event Notice would undermine the licensing objectives. It determined that it was therefore necessary and proportionate to issue a counter notice.

**Duration of the meeting:** 2pm – 2.18pm

**Contact:** Andy Spragg, Team Leader – Governance [governance@hackney.gov.uk](mailto:governance@hackney.gov.uk)

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## **Licensing Sub-Committee Hearings**

This guide details the procedure for Licensing Sub-Committee hearings under the Licensing Act 2003. Whilst this will be used in most cases, the procedure will be altered in exceptional circumstances and when for example Personal Licences, Temporary Event Notices and Reviews are considered.

### **A Licensing Sub-Committee will be held if:**

- The applicant has applied for a Premises Licence, Provisional Statement, Club Premises Certificate or expressed their intention to vary their existing licence/certificate and has advertised this in a local newspaper and displayed a distinctive blue notice at the premises, following which representations have been made by a Responsible Authority or Other Person/s.
- A Review has been requested by a Responsible Authority or Other Person/s and the Review has been advertised by displaying a distinctive blue notice at the premises and also at the Council's office and website.
- An application is made to transfer a Premises Licence or for interim authority and the Police have issued an objection
- The applicant has made a Personal Licence application and the Police have objected to the Licence being granted.
- A Temporary Event Notice has been given and the Police and/or those in the Council that exercise environmental health functions have issued an objection.

### **Prior to your item being heard:**

- The Licensing team upon receiving representations will form a view as to whether the representations are irrelevant, frivolous, vexatious or for review applications; repetitious.
- The Licensing team would have provided written notice to all parties in advance of the hearing and would have responded to any request relating to personal details being removed from the agenda.
- If you do not believe this to have happened, please contact the Licensing Service on 020 8356 4970 or email [licensing@hackney.gov.uk](mailto:licensing@hackney.gov.uk) as soon as possible. For further information on the application process, please see the guidance notes at [www.hackney.gov.uk/licensing](http://www.hackney.gov.uk/licensing).

### **Making decisions on the items being heard:**

Hearings will normally be held in public unless the Sub-Committee believe it not to be in the public interest to do so. Although the Chair will try to make the proceedings as informal as possible, these hearings are of a quasi-judicial nature, and the rules of natural justice shall apply.

Only those Responsible Authorities and Other Persons who have made a relevant representation in writing at the consultation stage **can register to speak at a subsequent hearing**. Applicants, Other Persons and Responsible Authorities will all be given a fair opportunity to put their case and the Sub-Committee will take these representations into account when making their decision. The Sub-Committee may still make a decision on any matter even if any party fails to attend the hearing. However, in these circumstances, it will only be that party's written representation that may be taken into account.

For new applications relating to Premises Licences and Club Premises Certificates, Members can grant with additional conditions attached to the licence, exclude any licensable activities, refuse a Designated Premises Supervisor (DPS) if appropriate or reject the application.

Members when making decisions on variation applications regarding a Premises Licence or Club Premises Certificate, can modify (add, delete or amend) conditions on the licence or reject the application in whole or part. Members will be considering the request for a variation and the impact that this may have. Therefore, representations should be focused on the impact of the variation, although concerns relating to the existing terms of the licence may be relevant in considering the track record of the applicant. However, Members may consider other issues which relate to the promotion of the licensing objectives, although only if it is reasonable and proportionate to do so.

For Provisional Statements, Members can consider any steps that are necessary having regard to the representations made in order to ensure the licensing objectives are not undermined.

Members when deciding a Review application can modify (add, delete or amend) the conditions of the licence, exclude any licensable activities, remove a DPS if appropriate, suspend the licence/certificate for up to 3 months or revoke the licence/certificate completely.

For transfer of Premises Licences, interim authority requests and Personal Licence applications Members can only refuse or grant the application.

Members when deciding on an objection made against a Temporary Event Notice (TEN) will determine whether or not to issue a Counter Notice, which if issued will prevent the proposed event from proceeding. If a TEN has been given for a premises that already has a licence/certificate, Members may impose any of those conditions from the existing licence/certificate to the TEN.

#### **Before the meeting starts:**

The Sub-Committee Members are requested to report for business no more than half an hour before the meeting starts to deal with any administrative/procedural issues. This will allow Members to consider;

- the appointment for any substitutes if required
- the appointment of the chair
- any procedural issues



- obtain the list of attendees
- late documents delivered prior to the meeting and to ensure all the paperwork is in order

The Sub-Committee will not be considering any of the actual points raised within the Report itself and no Responsible Authority or Other Person/s shall be present when the Sub-Committee deals with the above issues.

### **Attending the hearing that concerns you:**

All Applicants, Other Persons and Responsible Authorities involved will be informed in writing of the date and time that their application will be considered by the Licensing Sub-Committee. Please contact the Licensing Service on 020 8356 4970 or email [licensing@hackney.gov.uk](mailto:licensing@hackney.gov.uk) to confirm whether you wish to attend and/or register to speak at the Sub-Committee hearing or if you wish for someone else to speak on your behalf. If you are unable to attend, the application may be heard in your absence.

All parties should arrive promptly at the outset of the scheduled meeting regardless of when the item is listed to be heard on the agenda.

Please contact the Licensing Service for advice within 4 working days from the date on the notice letter if any of the following apply;

- you have special requirements to help make your representation, because of a disability or you need a translator for example
- you wish to supply additional [documentary] information such as photographs and videos/DVDs

Please note that if you wish to provide additional relevant information, this should be given at least **5 working days** before the hearing. Any additional information provided once the hearing has started will only be accepted if all parties agree. Please note that the use of videos/DVDs is at the Sub-Committee's discretion – requests to show these should be made in advance to the Committee Officer.

### **Timings**

In most cases the application will last no longer than 1 hour, and the times to be allocated to each section are shown on the relevant hearing procedure. If you think that your evidence is likely to exceed this time period, please let the Licensing Service know **within 4 working days of the date on the notice letter** and the Sub-Committee will be advised. If your request is agreed, all parties will also be granted the same extension of time.

### **Rights of Press and Public to Report on Meetings**

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual

or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the start of the meeting.

The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.

The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting. Disruptive behaviour may include: moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease and all recording equipment must be removed from the meeting room. The press and public are not permitted to use any means which might enable them to see or hear the proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.

Providing oral commentary during a meeting is not permitted.

### **Lobbying of Councillors**

If a person or an organisation wants to make a representation to the Licensing Sub-Committee, they must **NOT** contact Sub-Committee Members directly. Licensing Sub-Committee Members have to retain an open mind on any application and determine it on its merits. Members can not be in anyway biased towards a party. Therefore, if a Member of the Sub-Committee has had any prior involvement they must ensure that they come to the hearing with an open mind.

Local ward councillors may be able to speak on behalf of objectors if requested to do so, provided that if they have a disclosable pecuniary interest they leave the meeting room when the application is being considered unless they have been granted dispensation.

## **Reports**

Agendas and Reports for Licensing Sub-Committees are published on the Council's website ([www.hackney.gov.uk](http://www.hackney.gov.uk)) 5 working days before the hearing takes place. Copies are also available by contacting Governance Services on 0208 356 3578 or email [governance@hackney.gov.uk](mailto:governance@hackney.gov.uk). Copies of applications together with the details of any objections will be included in the report.

## **Appeals**

Applicants or any party to the hearing can appeal against the decision made by the Sub-Committee. The appeal to the Thames Magistrates Court must be made within 21 days of the decision being sent formally in writing. However, TEN's have the added restriction that no appeals can be made later than 5 working days before the event is scheduled to take place.

## **Withdrawal of an Item or Cancellation of a Hearing**

An item may be withdrawn from the agenda of a Licensing Sub-Committee meeting at short notice due to the withdrawal or resolution of the representations or objections to an application or notice. A hearing by the Licensing Sub-Committee may therefore be cancelled at short notice if there are no substantive items remaining on the agenda.

As much advance notice as is practicable of the withdrawal of an item on the agenda or cancellation of a meeting of the Licensing Sub-Committee will be provided on the Council's website but please note that this might be as little as a few hours before the hearing if the applicant chooses to leave it that late to satisfactorily address any representation or objection giving rise to the need for a hearing.

## **Facilities**

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in the Assembly Halls, rooms 101, 102 & 103 and the Council Chamber. Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

## **Contacts**

If you have a query about Licensing Sub-Committee procedures and protocols then please contact Governance Services –

Governance Services  
2<sup>nd</sup> Floor Room 118  
Hackney Town Hall  
Mare Street E8 1EA  
Telephone: 020 8356 1266  
Email: [governance@hackney.gov.uk](mailto:governance@hackney.gov.uk)

If your query relates to general licensing matters or to specific applications then you are advised to speak to the Licensing Service. They can be contacted at:

Licensing Service  
Hackney Service Centre  
1 Hillman Street London  
E8 1DY

Telephone: 020 8356 4970  
Fax: 020 8356 4974 E-mail: [licensing@hackney.gov.uk](mailto:licensing@hackney.gov.uk)

## **Relevant Extracts from Hackney's Statement of Licensing Policy**

Please find below relevant extracts from the Statement of Licensing Policy 2018.

### **LP1 General Principles**

The Council expects applicants to demonstrate:

- (a) That they have an understanding of the nature of the locality in which the premises are located and that this has been taken into consideration whilst preparing the operating schedule.
- (b) Where the application is for evening and night-time activity, that the proposal reflects the Council's aspiration to diversify the offer, whilst at the same time promoting the licensing objectives.

### **LP2 Licensing Objectives**

**Prevention of Crime and Disorder** Whether the proposal includes satisfactory measures to mitigate any risk of the proposed operation making an unacceptable contribution to levels of crime and disorder in the locality.

#### **Public Safety**

Whether the necessary and satisfactory risk assessments have been undertaken, the management procedures put in place and the relevant certification produced to demonstrate that the public will be kept safe both within and in close proximity to the premises.

#### **Prevention of Public Nuisance**

Whether the applicant has addressed the potential for nuisance arising from the characteristics and style of the proposed activity and identified the appropriate steps to reduce the risk of public nuisance occurring.

#### **Protection of Children from Harm**

Whether the applicant has identified and addressed any risks with the aim of

protecting children from harm when on the premises or in close proximity to the premises.

### **LP3 Core Hours**

Hours for licensable activity will generally be authorised, subject to demonstrating LP 1 and LP2, as follows:

- Monday to Thursday 08:00 to 23:00
- Friday and Saturday 08:00 to 00:00
- Sunday 10:00 to 22:30

Hours may be more restrictive dependent on the character of the area and if the individual circumstances require it.

Later hours may be considered where the applicant has identified any risk that may undermine the promotion of the licensing objectives and has put in place robust measures to mitigate those risks. *It should be noted that this policy does not apply to those who are making an application within a special policy area (see section 3) unless they have been able to demonstrate that the proposed activity or operation of the premises will not add to the cumulative impact that is already being experienced.*

### **LP4 Off' Sales of Alcohol**

Hours for the supply of alcohol will generally be restricted to between 08:00 and 23:00.

### **LP5 Planning Status**

Licence applications should normally be from premises where:

- (a) The activity to be authorised by the licence is a lawful planning use or is a deemed permitted development pursuant to the General Permitted Development Order (1995) as amended.
- (b) The hours sought do not exceed those authorised by any planning permission.

The Licensing Authority may take into account the lack of planning permission or an established lawful use in deciding whether there is likely to be any harm to the licensing objectives.

### **LP6 External Areas and Outdoor Events**

The Licensing Authority will normally restrict external areas and outdoor activity to

between 08:00 and 22:00 unless the applicant can demonstrate that comprehensive control measures have been implemented that ensure the promotion of the licensing objectives, in particular the public nuisance objective. Notwithstanding any proposed control measures, the Licensing Authority may restrict the hours and/or activity even further.

### **LP7 Minor Variations**

The Council expects applications to be made in the following circumstances only:

- Small changes in the layout/structure of the premises
- The addition of voluntary/agreed conditions
- Removal of conditions that are dated and have no impact on the operation of the premises
- Reduction of hours for any licensable activity

### **LP8 Temporary Event Notices**

When considering an objection to a TEN the Council will:

- Expect that any existing conditions will be maintained (where relevant) in circumstances where an event is to take place at a premises that has an existing authorisation.
- Assess any history of complaints as a result of licensable activity that may or may not have been authorised by a TEN.
- Consider the track record of the premises user
- Consider any other control measures proposed to mitigate the objection

### **LP9 Personal Licences**

(a) The Council will consider whether a refusal of the licence is appropriate for the promotion of the crime prevention objective and will consider the:

(i) Seriousness and relevance of any conviction(s) (ii) The period that has elapsed since committing the offence(s) (iii) Any mitigating circumstances that assist in demonstrating that the crime prevention objective will not be undermined.

### **LP10 Special Policy Areas – Dalston and Shoreditch**

It is the Council's policy that where a relevant representation is made to any application within the area of the Dalston SPA or Shoreditch SPA, the applicant will need to demonstrate that the proposed activity and the operation of the premises will

not add to the cumulative impact that is currently being experienced in these areas. This policy is to be strictly applied.

It should also be noted that the;

- quality and track record of the management;
- good character of the applicant; and
- extent of any variation sought

May not be in itself sufficient. *It should be noted that if an applicant can demonstrate that they will not add to the cumulative impact in their operating schedule and at any hearing, then the Core Hours Policy within LP3 will apply.*

### **LP11 Cumulative Impact – General**

The Council will give due regard to any relevant representations received where concerns are raised and supported around the negative cumulative impact the proposed application has on one or more of the licensing objectives.



**Licensing Sub-Committee hearings, under the Licensing Act 2003 & Local Government (Miscellaneous Provisions) Act 1982 – Type A [Re; Premises Licence, Club Premises Certificate, Provisional Statement & Sex Establishment Licence]**

<b>Step 1 Appointment of Chair and introduction</b>	<p>The Sub-Committee will appointment a Chair.</p> <p>The Chair will introduce the Sub-Committee, announce the item, and establish the identity of those taking part.</p> <p>The Sub-Committee will consider any requests to depart from normal procedure, such as holding a private session if it is considered to be in the public interest to do so or if a deferral/adjournment is requested for the item.</p> <p>The Chair (or Legal Adviser if asked by the Chair) will briefly outline how the hearing will proceed. However, Members may seek clarification on any issue raised during the hearing if required and if requested.</p>	5 minutes
<b>Step 2 Licensing Officer</b>	The Licensing Officer will outline the report.	5 minutes
<b>Step 3 Applicant's Case</b>	The Applicant will present their case in support of their application.	5 minutes
<b>Step 4 Responsible Authorities' Case</b>	The Chair will invite the relevant Responsible Authorities in attendance to highlight their reasons for objecting to the application as contained within the report.	5 minutes each
<b>Step 5 Other Persons' Case</b>	The Chair will invite the Other Persons in attendance to present their case, highlighting their reasons for objecting or supporting the application as contained in their written submissions.	5 minutes each
<b>Step 6 Discussion</b>	The Chair will structure and lead a discussion on the information presented enabling Sub-Committee Members to clarify any points raised and ask questions if necessary.	15 minutes
<b>Step 7 Closing remarks</b>	The Chair will ask Responsible Authorities, Other Persons, Applicants and the Licensing Officer if they have any final comments to make. These comments can <u>only</u> be in relation to issues raised during the discussion. These remarks should be brief.	10 minutes
<b>Step 8 - Final clarification</b>	Licensing Sub-Committee Members will have a final opportunity to seek clarification on any points raised, following which the Chair will conclude the discussion.	5 minutes
<b>Step 9 Consideration</b>	<p>The Sub-Committee will normally withdraw to consider the evidence that has been presented to them with the Committee Officer and Legal Adviser in order that the Sub-Committee can reach a decision and obtain legal advice if required.</p> <p>The Legal Adviser will repeat any legal advice given to Members upon returning to the public hearing.</p> <p>In simple cases the Sub-Committee may not consider it necessary to retire.</p>	10 minutes
<b>Step 10 Chair announces the decision</b>	<p>The Sub-Committee will return and the Chair will announce the decision. Reasons for their decision will be given, if appropriate.</p> <p>The Licensing Officer will draw attention to any restrictions which will affect the running of the premises and provide a written record of the decision, which will be sent to the applicant.</p>	5 minutes

The Council's procedure rules are also incorporated into these hearing procedures in so far as it does not conflict the procedures as set out above. The Licensing Hearing Regulations can also be viewed by following the link below – <http://www.legislation.gov.uk/ukxi/2005/44/contents/made>

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REPORT OF THE CHIEF EXECUTIVE		
<b>LICENSING SUB-COMMITTEE:</b> 26/04/2022	<b>Classification</b> DECISION	<b>Enclosure</b>
<b>Application for a Premises Licence</b>  The Guitar Social, 3 Mare Street, London, E8 4RP	<b>Ward(s) affected</b>  London Fields	

## 1. SUMMARY

<b>Applicant(s):</b> The Guitar Social Ltd	<b>In SPA:</b> N/A
<b>Date of Application</b> 17/02/2022	<b>Period of Application</b> Permanent
<b>Proposed licensable activity</b> Films Live Music Recorded Music Performance of Dance Supply of Alcohol (On and Off Premises)	
<b>Proposed hours of licensable activities</b>	
<b>Films</b>	<b>Standard Hours:</b> Sun 15:30-21:30
<b>Live Music</b>	<b>Standard Hours:</b> Mon 08:00-22:30 Tue 08:00-22:30 Wed 08:00-22:30 Thu 08:00-23:30 Fri 08:00-23:30 Sat 10:00-23:30 Sun 10:30-22:30
<b>Recorded Music</b>	<b>Standard Hours:</b> Mon 08:00-22:30 Tue 08:00-22:30 Wed 08:00-22:30 Thu 08:00-23:30 Fri 08:00-00:30 Sat 10:00-00:30 Sun 10:30-22:30
<b>Performance of Dance</b>	<b>Standard Hours:</b> Mon 08:00-22:30 Tue 08:00-22:30 Wed 08:00-22:30 Thu 08:00-23:30 Fri 08:00-23:30 Sat 10:00-23:30 Sun 10:30-22:30

<b>Supply of Alcohol (On and Off Sales)</b>		<b>Standard Hours:</b> Mon 12:00-22:30 Tue 12:00-22:30 Wed 12:00-22:30 Thu 12:00-23:45 Fri 12:00-00:30 Sat 12:00-00:30 Sun 12:00-22:30
<b>The opening hours of the premises</b>		<b>Standard Hours:</b> Mon 08:00-22:30 Tue 08:00-22:30 Wed 08:00-22:30 Thu 08:00-23:45 Fri 08:00-00:30 Sat 09:00-00:30 Sun 09:00-22:30
<b>Capacity:</b> Not known		
<b>Policies Applicable</b>	LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours), LP4 ('Off' Sales of Alcohol), LP6 (External Areas and Outdoor Events) and LP11(Cumulative Impact – General)	
<b>List of Appendices</b>	A – Application for a premises licence and supporting documents B – Representations from Responsible Authority C – Location map	
<b>Relevant Representations</b>	<ul style="list-style-type: none"> <li>Police</li> </ul>	

## 2. APPLICATION

2.1 The Guitar Social Ltd has made an application for a premises licence under the Licensing Act 2003:

- To authorise the supply alcohol for consumption on and off the premises
- To provide regulated entertainment

2.2 The application is attached as Appendix A. The applicant has proposed some additional measures to address the licensing objectives.

## 3. CURRENT STATUS / HISTORY

3.1 The current premises licence was granted on 29 April 2013 with the hours for supply of alcohol (on sales), Sun-Thurs: 11:00-22:30 and Fri & Sat: 11:00-23:30 and late night refreshment, Fri & Sat: 23:00-23:30.

3.2 Temporary Event Notices have been given for events in the current year at this premises as follows:

<b><u>Date of the event(s)</u></b>	<b><u>Hours</u></b>
03/02/22-05/02/22	18:00-00:00
10/02/22-12/02/22	18:00-00:00
19/02/22-20/02/22	15:00-01:00
24/02/22-26/02/22	18:00-00:00
03/03/22-05/03/22	18:00-00:00
10/03/22-13/03/22	18:00-01:00
26/03/22-26/03/22	18:00-00:00
31/03/22-02/04/22	18:00-00:00
07/04/22-09/04/22	18:00-00:00
14/04/22-14/04/22	18:00-00:00

#### **4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES**

<b>From</b>	<b>Details</b>
Environmental Health Authority (Environmental Protection)	Representation withdrawn based on agreed conditions as set out in para 8.1
Environmental Health Authority (Environmental Enforcement)	Have confirmed no representation on this application
Environmental Health Authority (Health & Safety)	Have confirmed no representation on this application
Weights and Measures (Trading Standards)	No representation received
Planning Authority	No representation received
Area Child Protection Officer	No representation received
Fire Authority	Have confirmed no representation on this application
Police (Appendix B)	Representation received on the grounds of The Prevention of Crime and Disorder and Prevention of Public Nuisance
Licensing Authority	Have confirmed no representation on this application
Health Authority	No representation received

#### **5. REPRESENTATIONS: OTHER PERSONS**

None.

#### **6. GUIDANCE CONSIDERATIONS**

- 6.1 The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

#### **7. POLICY CONSIDERATIONS**

- 7.1 Licensing Sub-Committee is required to have regard to the London Borough of Hackney's Statement of Licensing Policy ("the Policy") adopted by the Licensing Authority.

- 7.2 The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours), LP4 ('Off' Sales of Alcohol), LP6 (External Areas and Outdoor Events) and LP11 (Cumulative Impact – General) are relevant.

## **8. OFFICER OBSERVATIONS**

- 8.1 If the Sub-Committee is minded to approve the application, the following conditions should be applied the licence:

### **Supply Of Alcohol (On/Both)**

1. No supply of alcohol may be made under the premises licence:
  - a. At a time when there is no designated premises supervisor in respect of the premises licence.
  - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

4. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. 5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.  
 5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
 5.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
  - A. a holographic mark or
  - B. an ultraviolet feature.
7. The responsible person shall ensure that:
  - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
    - beer or cider: 1/2 pint;
    - gin, rum, vodka or whisky: 25ml or 35ml; and
    - still wine in a glass: 125ml; and
    - a. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
    - b. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

### **Minimum Drinks Pricing**

7.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

7.2 For the purposes of the condition set out in paragraph 7.1 above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -  $P = D + (D \times V)$   
 Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(c) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(d) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol

under such a licence;

(e) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(f) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

7.3 Where the permitted price given by Paragraph 8.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

7.4 (1) Sub-paragraph 7.4(2) below applies where the permitted price given by Paragraph 7.2(b) above on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Exhibition of Films**

8. Admission of children (under 18) to the exhibition of any film must be restricted in accordance with: -

- (a) Recommendations made by the film classification body where the film classification body is specified in the licence, or
- (b) Recommendations made by the licensing authority where the film classification body is not specified in the licence, or the relevant licensing authority has not notified the holder of the licence that this subsection applies to the film in question.

“film classification body” means person(s) designated under s4 of the Video Recordings Act 1984 (c.39).

## **Door Supervision**

9. Each individual who is to carry out a security activity at the premises must be licensed by the Security Industry Authority.

## **Conditions derived from Responsible Authority representations**

10. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer.



11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.
12. An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:
  - a. all crimes reported to the venue
  - b. any complaints received
  - c. any incidents of disorder
  - d. any faults in the CCTV system
  - e. any refusal of the sale of alcohol
  - f. any visit by a relevant authority or emergency service.
13. There shall be clear and prominent signage asking all customers to leave quietly and respect local residents.
14. All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point, as agreed with the Police.
15. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.
16. The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor.
17. All staff will be given refresher training every six months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written records of this training shall be kept on the premises and produced to police or other authorised officer upon request.
18. All supply of alcohol for consumption on the premises shall be to seated guests attending a pre-booked event.
19. There shall be no open containers or drinks taken outside the premises at any time, except for those seated in the outside designated seating area.
20. There shall be a maximum of \*\*\* tbc \*\*\* smokers outside the premises at any one time.
21. Any queues to the premises shall be orderly and shall not block any footway. All queues will be managed by staff.
22. SIA door supervisors shall be employed on a risk assessment basis. When employed, all SIA staff shall wear a high visibility armband or vest to be easily identifiable. They shall enter their name, address, SIA number and times they begin and finish their shift in a daily register. If employed by an agency all agency contact details shall be recorded also.
23. A limit of five smokers allowed outside at any one time.

24. Signs will be put outside asking people to respect our neighbours and to keep noise down.
25. Music will not play outside.
26. Signs will be put inside the door asking people to leave quietly, and staff will be trained to ask the same.
27. Music will stop at least 15 minutes before closing time, and last orders will be called 15 minutes before, and lights will be put on. This will all work as nudges to convince people to disperse over a 15 minute period, rather than all at once.
28. The outside area at 10.00pm on a Thursday evening and 10:30pm on Friday and Saturday. 9pm on all other days.
29. Music will be played at background level.

## **9. REASONS FOR OFFICER OBSERVATIONS**

- 9.1 Conditions 10 to 22 above have been proposed by the Police and conditions 23 to 29 have been agreed with Environmental Protection.

## **10. LEGAL COMMENTS**

- 10.1 The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;
- The Prevention of Crime and Disorder
  - Public Safety
  - Prevention of Public Nuisance
  - The Protection of Children from Harm
- 10.2 It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused or terms and conditions attached to a licence.

## **11. HUMAN RIGHTS ACT 1998 IMPLICATIONS**

- 11.1 There are implications to;
- **Article 6** – Right to a fair hearing
  - **Article 14** – Not to discriminate
  - Balancing: **Article 1**- Peaceful enjoyment of their possession (i.e. a licence is defined as being a possession) with **Article 8** – Right of Privacy (i.e. respect private & family life) to achieve a proportionate decision having regard to the protection of an individuals rights against the interests of the community at large.

## **12. MEMBERS DECISION MAKING**

- A. **Option 1**  
**That the application be refused**

**B. Option 2**

**That the application be approved, together with any conditions or restrictions which Members consider necessary for the promotion of the Licensing objectives.**

**13. CONCLUSION**

13.1 That Members decide on the application under the Licensing Act 2003.

<b>Chief Executive</b>	Mark Carroll
<b>Lead Officer (holder of original copy):</b>	Shan Uthayasangar Licensing Officer Licensing Service 1 Hillman Street E8 1DY Telephone: 020 8356 2431

**LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT**

The following document(s) has been relied upon in the preparation of the report.

<b>Description of document</b>	<b>Location</b>
The Guitar Social 3 Mare Street London E8 4RP	Licensing Service 1 Hillman Street London E8 1DY

**Printed matter**

Licensing Act 2003

LBH Statement of Licensing Policy

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I/We** The Guitar social ltd

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description The Guitar Social ltd 3 Mare street E84RP			
<b>Post town</b>	Hackney	<b>Postcode</b>	E84RP

Telephone number at premises (if any)	
Non-domestic rateable value of premises	<b>£19500</b>

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as **appropriate** **Please tick as**

- |  |                          |                             |
|--|--------------------------|-----------------------------|
| a) an individual or individuals *                    | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual *               |                          |                             |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/> | please complete section (B) |

- iv other (for example a statutory corporation) ☐ please complete section (B)
- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) ☐ please complete section (B)  
a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☐
- I am making the application pursuant to a  
 statutory function or ☐  
 a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/> Please tick yes			
<b>Nationality</b>					
Current residential address if different from premises address					
Post town			Postcode		

<b>Daytime contact telephone number</b>	
<b>E-mail address (optional)</b>	
<b>Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)</b>	

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>			I am 18 years old or over <input type="checkbox"/> Please tick yes		
<b>Nationality</b>					
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
<b>Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)</b>					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name The Guitar Social Ltd
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<b>Address</b> 3 Mare street, Hackney, E84RP
<b>Registered number (where applicable)</b> 11830805
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b> Private Limited company
<b>Telephone number (if any)</b> [REDACTED]
<b>E-mail address (optional)</b> [REDACTED]

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
2	0	0322

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

The Guitar Social, as the premise is now called, used to be called The Water House Project which was a restaurant, we believe until the middle of 2021 when it became vacant. It is on the corner of Mare street, the other side of the road to the canal and Tower Hamlets. The building is single story with a Pizza takeaway on one side and no other buildings on any of the other sides. Behind the building is a locked gate that leads to a path beneath a railway line. The building itself is one large room which was used for the restaurant and bar area, a smaller kitchen area with a storage room and a toilet.

There are 3 large windows at the front which look out onto Mare street and the canal.

The sound proofing within the building is very good with very little sound leaking outside even when amplified instruments or drums are played.

There is a very large pavement area outside the front of the building that we would like to put tables on during the day time coffee trade and night time bar trade. The pavement is large enough to not get in the way of wheelchairs.

Out the back of the building there is what looks like an abandoned courtyard that our landlord says we can clear up and put tables on. We would like to use this space for our day time coffee trade and evening bar trade.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

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What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2) Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☒
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☒
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☒
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

**Provision of late night refreshment** (if ticking yes, fill in box I) ☐

**Supply of alcohol** (if ticking yes, fill in box J) ☒

**In all cases complete boxes K, L and M**



**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Wed			<b>Non-standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4) We would occasionally like to have Sunday afternoon films for our members where we project films onto a wall		
Mon					
Tue					
Wed					
			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5) None		
Thur					
Fri					
Sat					
			<b>Non-standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6) None		
Sun	15:30	21:30			

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b>Please give further details</b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 5)
Wed			
Thur			
Fri			<b>Non-standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 6)
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Wed					
Thur					
			<b>Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

# E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	08:00	22:30	<b>Please give further details here</b> (please read guidance note 4) The main purpose of The Guitar Social is that is is a guitar school that teaches guitar to adults. Most of the events we put on are live music based as well, so that our students can showcase what they have learnt in class. We occasionally put on gig nights and open mics where non-students can perform live music. Normally live music is guitar based, both amplified and unplugged. Occasionally there will be bass and electric drums as well. Though we have asked for the alcohol and recorded music to go on until 12:30 on some nights, we have put an 23:30 restriction on live music to be kind to the neighbours.		
Tue	08:00	22:30			
Wed	08:00	22:30	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Thur	08:00	23:30			
Fri	08:00	23:30	<b>Non-standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat	10:00	23:30			
Sun	10:30	22:30			

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4) During the day time in the week The Guitar Social operates as a coffee shop. During these times we would like to play recorded music quietly from a sound system. Then, on Monday, Tuesday and Wednesday evening, during guitar classes we would like to play recorded music in between learning the guitar. The same is true for Saturday and Sunday day times. On Thursday, Friday, Saturday and Sunday evenings when The Guitar Social operates more as a bar, we would like to be able to put recorded music through speakers for members and the public to enjoy.  <b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5) NONE		
Mon	08:00	22:30			
Tue	08:00	22:30			
Wed	08:00	22:30			
Thur	08:00	23:30			
Fri	08:00	00:00			
Sat	00:00	00:30			
	10:00	00:00			
Sun	00:00	00:30			
	10:30	22:30			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	08:00	22:30	<b>Please give further details here</b> (please read guidance note 4) As a creative business that celebrates performance, we would like the option of being able to put on dance shows. We also run weekly open mic events and we expect we will get some dance performers at them		
Tue	08:00	22:30			
Wed	08:00	22:30	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5) NONE		
Thur	08:00	23:30			
Fri	08:00	23:30	<b>Non-standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 6) NONE		
Sat	10:00	23:30			
Sun	10:30	22:30			

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			<b>Please give a description of the type of entertainment you will be providing</b>		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 4)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)		
Fri					
Sat			<b>Non-standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sun					



I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Thur					
Fri			<b>Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5) Ideally we would like our members to be able to take their drinks outside our building when the weather is nice (up to a certain hour that is friendly to any neighbours)		
Mon	12:00	22:30			
Tue	12:00	22:30			
Wed	12:00	22:30			
Thur	12:00	23:45			
Fri	12:00	00:00	<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6) None		
Sat	00:00	00:30			
	12:00	00:00			
Sun	00:00	00:30			
	12:00	22:30			

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name</b> Fiona Pannell	
<b>Date of birth</b> [REDACTED]	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) [REDACTED]	

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).**

None

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5) None
Day	Start	Finish	<b>Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)
Mon	08:00	22:30	
Tue	08:00	22:30	
Wed	08:00	22:30	
Thur	08:00	23:45	
Fri	08:00	00:00	
Sat	00:00	00:30	
	09:00	00:00	
Sun	00:00	00:30	
	09:00	22:30	

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e)** (please read guidance note 10)

We are a music school (with an associated music teaching charity) first and foremost and a drinking establishment and events venue second to the teaching. The vast majority of people who come through our doors will be members of the Guitar Social, people we know personally who will listen to us when we ask them to be respectful of each other and the people around our venue. We have never had any trouble in the past with Guitar Social students or people coming to our events but now, with greater responsibilities coming from owning a licence we will be extra careful to put respect at the heart of everything we do. In the building we have just moved from in Tower Hamlets, our landlord had a flat attached to one of our walls, so we are used to having to keep noise down and to be respectful to the people around us.

**b) The prevention of crime and disorder**

We will have a zero drug tolerance policy within the venue and zero tolerance on drunk and disorderly behaviour. Because our premises will largely attract punters who partake in our music classes we do not envisage disorderly behaviour but in the case that we have people coming in who are not part of the school we will train all staff on when and how to refuse to serve a drunk person so that they do not reach the stage of being disorderly on our premises. There will be CCTV inside and outside our venue which is monitored 24 hours a day, and there will be clear signs to deter people from being disorderly inside. Anyone caught with, using or dealing drugs will be told to leave immediately and if they refuse the police will be called. We operate more like a members club than an open bar and we know that if anyone causes trouble, our members will be very quick to calm them down and remove them. Everyone looks out for everyone else, yet, at the same time we recognise that the staff of our venue are in control and will take action when needed.

**c) Public safety**

All staff will be trained on evacuation procedures and there will always be an unlocked door whenever our members or the public are using the building, allowing for quick escape. Fire routes are already marked. The building has a fire alarm which is checked and maintained by a certified company, as per our insurance agreement. Any food and beverages served will meet standard hygiene needs.

**d) The prevention of public nuisance**

Being a music school we understand that there will be noise being made inside our building, however, having been in that building now for 2 months and having put on a few loud events using TENS, we know that the soundproofing from our building is very impressive. Nevertheless, we have already bought soundproof panels should we need to install them to our inside walls or ceiling. However, we don't see noise from inside being an issue because there is very little housing around us, and only one business connected to us which is a pizza takeaway place that opens late. We've already spoken to the owner of the pizza place and he is happy with noise levels so far. We do have a drum kit, however it is electric so we can control the volume. We will impose rules about how late amplified music can be played; normally with acoustic only after 11pm. We will regularly check in with the businesses nearby to make sure that we are not bothering surrounding neighbours with the sound of live music and lessons. If any situations do occur, staff will be asked to record these in a log book, as well as how they handled it and the outcome so that lessons can be learnt on how to deal with situations in the future.

We would like punters to be able to take their drinks outside when the weather is nice. If this is allowed, we will have signs up both inside and outside reminding people to keep noise down and signs stating the restrictions on hours for taking drinks outside. I expect this will be 10.30pm, but guidance from the council on this would be appreciated.

As we are asking for a licence that goes on past 11pm on some nights, we will make it a course of habit to ask punters to leave quietly and we will put signs up at the exit reminding them of the need to be polite to neighbours.

#### **e) The protection of children from harm**

All staff will be trained to ask for ID of anyone looking under 21 years of age. We will train them on how best to ask for ID. We will have a zero tolerance policy on serving alcohol to anyone appearing under 21 without a valid photo ID.

People under 18 may come to the weekend day time guitar classes without an adult but they will not be able to take part in the evening classes unless with an adult. Anyone under 18 coming to an evening event will need to be accompanied by an adult. All rules around the consumption of alcohol by 16 and 17 years olds will be followed and staff will be made aware of these rules. Signs will be present in the venue to make clear to all visitors that we operate a challenge 21 policy.

#### **Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- ☒  
[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☐


**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS**

**APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"><li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li><li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office right to work checking service which confirmed their right to work (please see note 15)</li></ul>
Signature	
Date	17/02/2022
Capacity	Company Director

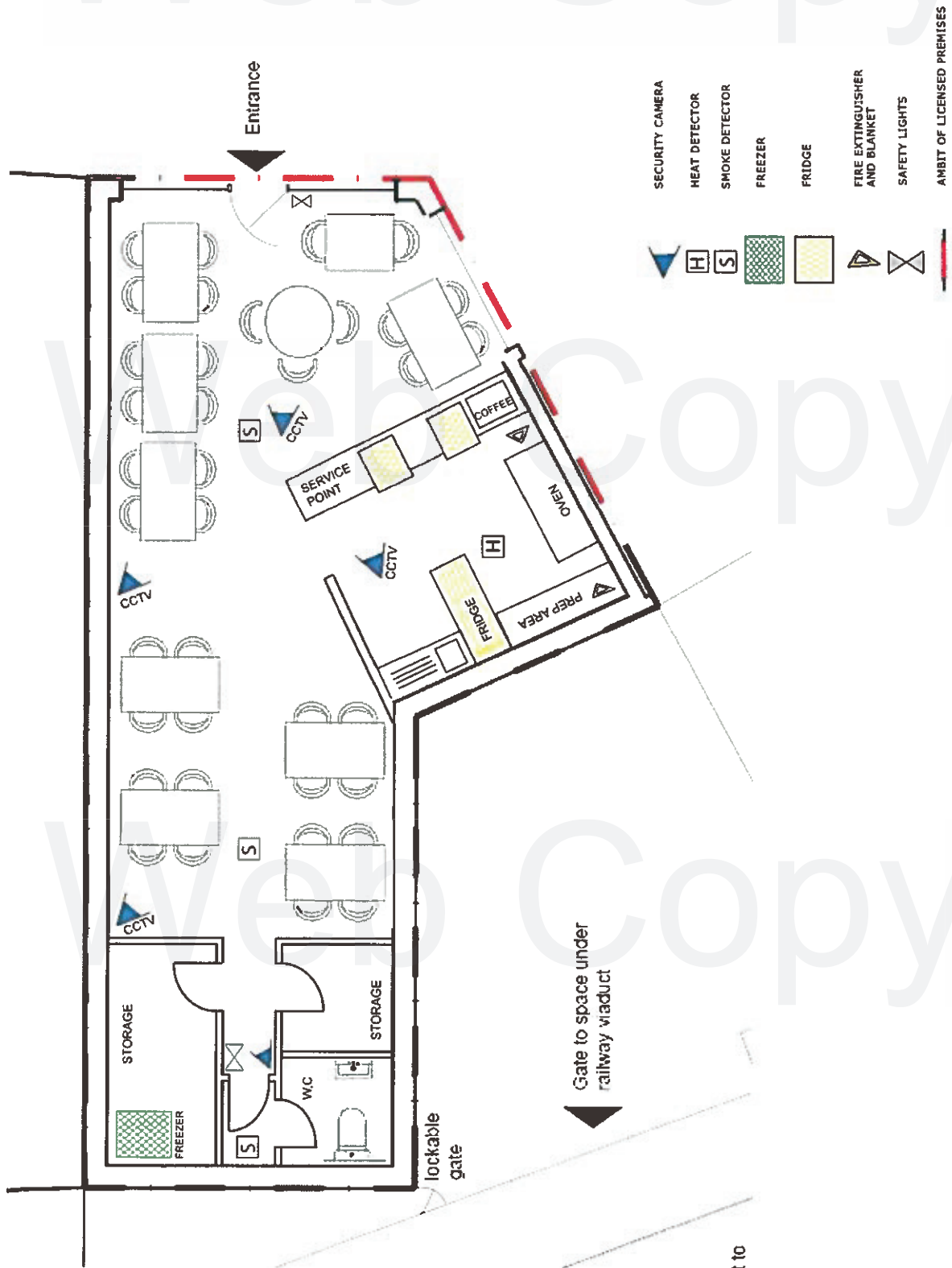
**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]
Telephone number (if any)	07872559018		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

### Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:





## APPENDIX B

### RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

#### RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Metropolitan Police service
ADDRESS OF AUTHORITY	Licensing Unit, Stoke Police Station 33 Stoke Newington High Street London N16 8DS
CONTACT NAME	PC 3691CE Kerrie RYAN
TELEPHONE NUMBER	07796 183078
E-MAIL ADDRESS	hackneylicensing@met.police.uk

#### APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	<b>Guitar Social</b> <b>3 Mare Street</b> <b>London</b> <b>E8 4RP</b>
NAME OF PREMISES USER	<b>The Guitar Social Limited</b>

#### COMMENTS

I make the following relevant representations in relation to the above application to vary the Premises Licence at the above address.

- |    |                                      |   |
|----|--------------------------------------|---|
| 1) | the prevention of crime and disorder | ◆ |
| 2) | public safety                        | □ |
| 3) | the prevention of public nuisance    | ◆ |
| 4) | the protection of children from harm | □ |

Representations (which include comments and/or objections) in relation to:

**Police make the following representations in relation to the application for a Premises Licence at GUITAR SOCIAL, 3 MARE STREET, LONDON, E8 4RP for the following reason(s);**

This premises is located on the outskirts of Hackney Borough and has recently been operating on Temporary Event Notices. These events have been for approx. 60 people for open mic or jam nights.

The application describes the premises main purpose as a Guitar School that teaches guitar to adults, but wishes to be a café during the day and bar in the evenings.

This application seeks authorisation to sell alcohol for consumption on and off the premises. The hours proposed for Thursdays, Fridays and Saturdays are currently outside of the core hours laid out in LBH's Statement of Licensing Policy for both on and off sales. Police propose that all off sales be reduced to 2300hrs, where they currently exceed these hours and that off sales on Thursday be reduced to 2300hrs and to 0000hrs on Fridays and Saturdays.

Police will require further information before agreeing to this application, as follows;

- What experience does the DPS have of running and/or managing a licensed premises?
- What is the capacity of the inside area?
- How many people would you like to have seated in the outside areas? Police would limit numbers and timings to ensure that any local residents are not caused any disturbance

Police have included a list of conditions to be considered by the applicant. These conditions will be attached to the licence should this application be granted and will ensure the promotion of the licensing objectives.

Police look forward to hearing from the applicant soon to discuss a way forward for this application and would like to arrange a site visit to gather further information about the operation of the business.

The above representations are supported by the following evidence and information.

Personal knowledge of the local area and issues in the area.

Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

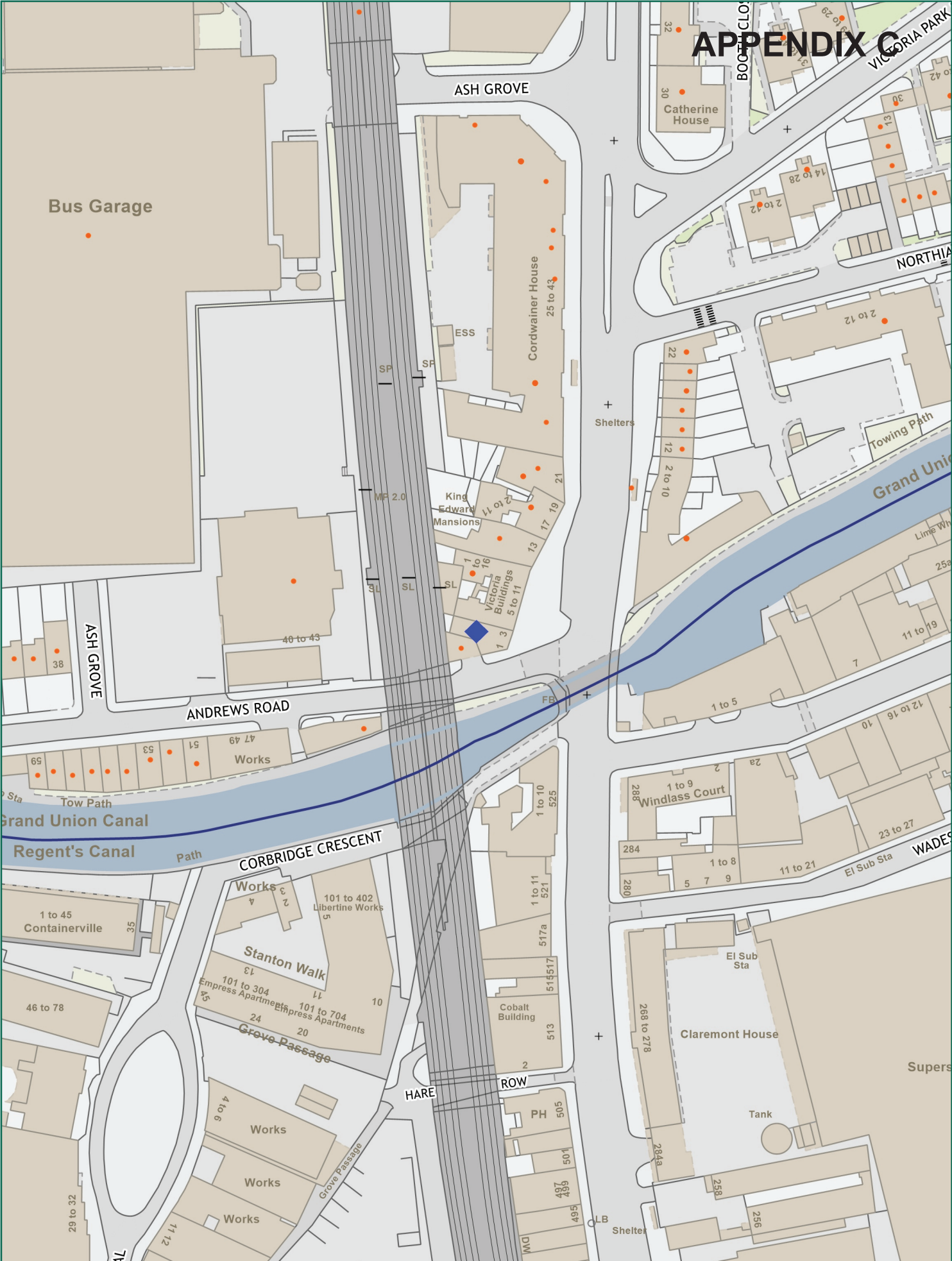
Signed  
PC 3691CE RYAN  
By E-mail)  
Name (printed)

**Proposed Conditions for**  
**Guitar Social, 3 Mare Street, London, E9**

- 1) The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer.
- 2) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.
- 3) An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:
  - all crimes reported to the venue
  - any complaints received
  - any incidents of disorder
  - any faults in the CCTV system
  - any refusal of the sale of alcohol
  - any visit by a relevant authority or emergency service.
- 4) There shall be clear and prominent signage asking all customers to leave quietly and respect local residents.
- 5) All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point, as agreed with the Police.
- 6) Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.
- 7) The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor.

- 8) All staff will be given refresher training every six months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written records of this training shall be kept on the premises and produced to police or other authorised officer upon request.
- 9) All supply of alcohol for consumption on the premises shall be to seated guests attending a pre-booked event.
- 10) There shall be no open containers or drinks taken outside the premises at any time, except for those seated in the outside designated seating area.
- 11) There shall be a maximum of \*\*\* tbc \*\*\* smokers outside the premises at any one time.
- 12) Any queues to the premises shall be orderly and shall not block any footway. All queues will be managed by staff.
- 13) SIA door supervisors shall be employed on a risk assessment basis. When employed, all SIA staff shall wear a high visibility armband or vest to be easily identifiable. They shall enter their name, address, SIA number and times they begin and finish their shift in a daily register. If employed by an agency all agency contact details shall be recorded also.

\*\*\* ADDITIONAL CONDITIONS MAY BE ADDED  
FURTHER TO DISCUSSIONS WITH THE APPLICANT \*\*\*



# APPENDIX C

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REPORT OF THE CHIEF EXECUTIVE		
<b>LICENSING SUB-COMMITTEE:</b> 26/04/2022	<b>Classification</b> DECISION	<b>Enclosure</b>
<b>Application for a Premises Licence</b>  Salt Salon, Unit 10A, Stamford Works, 3 Gillett Street, London, N16 8JH	<b>Ward(s)</b> <b>affected</b>  Dalston	

## 1. SUMMARY

<b>Applicant(s):</b> Salt Salon Limited		<b>In SPA:</b> Dalston
<b>Date of Application</b> 01/02/2022		<b>Period of Application</b> Permanent
<b>Proposed licensable activity</b> Supply of Alcohol (On sales)		
<b>Proposed hours of licensable activities</b>		
<b>Supply of Alcohol (On sales)</b>		<b>Standard Hours:</b> Mon 12:00-22:30 Tue 12:00-22:30 Wed 12:00-22:30 Thu 12:00-22:30 Fri 12:00-22:30 Sat 12:00-22:30 Sun 12:00-22:30
<b>The opening hours of the premises</b>		<b>Standard Hours:</b> Mon 09:00-23:00 Tue 09:00-23:00 Wed 09:00-23:00 Thu 09:00-23:00 Fri 09:00-23:00 Sat 09:00-23:00 Sun 09:00-23:00
<b>Capacity:</b> Not known		
<b>Policies Applicable</b>	LP1 (General Principles), LP2 (Licensing Objectives) and LP10 (Special Policy Areas – Dalston and Shoreditch)	
<b>List of Appendices</b>	A – Application for a premises licence and supporting documents B – Representations from Responsible Authority C – Location map	

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<b>Relevant Representations</b>	<ul style="list-style-type: none"> <li>Licensing Authority</li> </ul>
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## 2. APPLICATION

2.1 Salt Salon Limited has made an application for a premises licence under the Licensing Act 2003:

- To authorise the supply alcohol for consumption on the premises

2.2 The application is attached as Appendix A. The applicant has proposed measures that could be converted to conditions (see paragraph 8.1 below).

## 3. CURRENT STATUS / HISTORY

3.1 The premises is not currently licensed for any activity.

3.2 No Temporary Event Notices have been given for events in the last twelve months for this premises.

## 4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Details
Environmental Health Authority (Environmental Protection)	No representation received
Environmental Health Authority (Environmental Enforcement)	Representation withdrawn based on agreed conditions as set out in para 8.1
Environmental Health Authority (Health & Safety)	Have confirmed no representation on this application
Weights and Measures (Trading Standards)	No representation received
Planning Authority	No representation received
Area Child Protection Officer	No representation received
Fire Authority	Have confirmed no representation on this application
Police	Representation has been withdrawn on the basis of the agreed conditions as set out in para 8.1 and removed off sales of alcohol from the application
Licensing Authority (Appendix B)	Representation received on the grounds of The Prevention of Crime and Disorder and Prevention of Public Nuisance
Health Authority	Have confirmed no representation on the basis of the amend the start time of alcohol hours as set out above

## 5. REPRESENTATIONS: OTHER PERSONS

None.



## **6. GUIDANCE CONSIDERATIONS**

- 6.1 The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

## **7. POLICY CONSIDERATIONS**

- 7.1 Licensing Sub-Committee is required to have regard to the London Borough of Hackney's Statement of Licensing Policy ("the Policy") adopted by the Licensing Authority.
- 7.2 The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP1 (General Principles), LP2 (Licensing Objectives) and LP10 (Special Policy Areas –Dalston and Shoreditch) are relevant.

## **8. OFFICER OBSERVATIONS**

- 8.1 If the Sub-Committee is minded to approve the application, the following conditions should be applied the licence:

### **Supply Of Alcohol (On/Both)**

1. No supply of alcohol may be made under the premises licence:
  - a. At a time when there is no designated premises supervisor in respect of the premises licence.
  - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
4. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
  5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
  6. 5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.  
 5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
 5.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
    - A. a holographic mark or
    - B. an ultraviolet feature.
  7. The responsible person shall ensure that:
    - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
      - beer or cider: 1/2 pint;
      - gin, rum, vodka or whisky: 25ml or 35ml; and
      - still wine in a glass: 125ml; and
      - a. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
      - b. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

### **Minimum Drinks Pricing**

7.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

7.2 For the purposes of the condition set out in paragraph 7.1 above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -  $P = D + (D \times V)$

Where -

(i) P is the permitted price,

- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (c) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -
  - (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (e) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (f) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

7.3 Where the permitted price given by Paragraph 8.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

7.4 (1) Sub-paragraph 7.4(2) below applies where the permitted price given by Paragraph 7.2(b) above on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Door Supervision**

8. Each individual who is to carry out a security activity at the premises must be licensed by the Security Industry Authority.

## **Conditions consistent with the Operating Schedule**

9. All internal and external doors, fixtures and fittings, lighting and emergency lighting shall be kept in good working order and regular checks made.
10. No deliveries (in relation to licensable activities) to the premises shall take place between 19:00 hours and 07:00 hours.
11. No collections of waste or recycling materials (including bottles) from the premises shall take place between 19:00 hours and 07:00 hours on the following day.
12. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22:00 hours and 07:00 hours on the following day.

13. A telephone number shall be made available in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises.

The telephone number shall be a direct number to the named Designated Premises Supervisor. A record shall be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records shall be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the premises.

14. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

#### **Conditions derived from Responsible Authority representations**

15. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer.
16. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.
17. An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:
  - all crimes reported to the venue
  - any complaints received
  - any incidents of disorder
  - any faults in the CCTV system
  - any refusal of the sale of alcohol
  - any visit by a relevant authority or emergency service.
18. There shall be clear and prominent signage asking all customers to leave quietly and respect local residents.
19. All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point, as agreed with the Police.
20. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.
21. The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor.
22. All staff will be given refresher training every six months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written records of this training shall be kept on the premises and produced to police or other

authorised officer upon request.

23. All supply of alcohol for consumption on the premises shall be to either a customer attending a pre-booked hair appointment, one guest of a customer, or guests attending a hairdressing and/or fashion event.
24. There shall be no open containers or drinks taken outside the premises at any time.
25. Any queues to the premises shall be orderly and shall not block any footway. All queues will be managed by staff.
26. SIA door supervisors shall be employed on a risk assessment basis. When employed, all SIA staff shall wear a high visibility armband or vest to be easily identifiable. They shall enter their name, address, SIA number and times they begin and finish their shift in a daily register. If employed by an agency all agency contact details shall be recorded also.
27. The premises shall ensure that all staff are given WAVE (Welfare and Vulnerability Engagement) training.
28. There shall be a personal licence holder on the premises during any events.
29. There shall be no guests/customers using the outside space after 2100hrs. Staff will be responsible for monitoring this.
30. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.
31. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.
32. In order to minimise the amount of time any waste remains on the public highway in readiness for collection, the Licensee will ensure the timeframe within which it may expect its waste carrier to collect is adhered to.
33. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.
34. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.
35. The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen and read by persons standing in Salt Salon. This should remain unobstructed at all times and should clearly identify:-

- the name of the registered waste carrier
- the date of commencement of trade waste contract
- the date of expiry of trade waste contract
- the days and times of collection
- the type of waste including the European Waste Code

## 9. REASONS FOR OFFICER OBSERVATIONS

- 9.1 Conditions 9 to 14 are derived from applicant's operating schedule, conditions 15 to 29 have been agreed with Police and conditions 30 to 35 have been agreed with Environmental Enforcement.

## 10. LEGAL COMMENTS

- 10.1 The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;
- The Prevention of Crime and Disorder
  - Public Safety
  - Prevention of Public Nuisance
  - The Protection of Children from Harm
- 10.2 It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused or terms and conditions attached to a licence.

## 11. HUMAN RIGHTS ACT 1998 IMPLICATIONS

- 11.1 There are implications to;
- **Article 6** – Right to a fair hearing
  - **Article 14** – Not to discriminate
  - Balancing: **Article 1**- Peaceful enjoyment of their possession (i.e. a licence is defined as being a possession) with **Article 8** – Right of Privacy (i.e. respect private & family life) to achieve a proportionate decision having regard to the protection of an individuals rights against the interests of the community at large.

## 12. MEMBERS DECISION MAKING

- A. **Option 1**  
That the application be refused
- B. **Option 2**  
That the application be approved, together with any conditions or restrictions which Members consider necessary for the promotion of the Licensing objectives.

### 13. CONCLUSION

13.1 That Members decide on the application under the Licensing Act 2003.

<b>Chief Executive</b>	Mark Carroll
<b>Lead Officer (holder of original copy):</b>	Shan Uthayasangar Licensing Officer Licensing Service 1 Hillman Street E8 1DY Telephone: 020 8356 2431

#### LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

The following document(s) has been relied upon in the preparation of the report.

<b>Description of document</b>	<b>Location</b>
Salt Salon Unit 10A, Stamford Works 3 Gillett Street London N16 8JH	Licensing Service 1 Hillman Street London E8 1DY

#### **Printed matter**

Licensing Act 2003

LBH Statement of Licensing Policy



**Hackney**  
LA01

**Application for a premises licence to be granted under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I/We** SALT SALON LIMITED

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description UNIT 10A STAMFORD WORKS 3 GILLET STREET			
<b>Post town</b>	LONDON	<b>Postcode</b>	N16 8JH

Telephone number at premises (if any)	██████████
Non-domestic rateable value of premises	£0

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as **appropriate** **Please tick as**

- |     |  |                                     |                             |
|-----|--|-------------------------------------|-----------------------------|
| a)  | an individual or individuals *                     | <input type="checkbox"/>            | please complete section (A) |
| b)  | a person other than an individual *                |                                     |                             |
| i   | as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii  | as a partnership (other than limited liability)    | <input type="checkbox"/>            | please complete section (B) |
| iii | as an unincorporated association or                | <input type="checkbox"/>            | please complete section (B) |
| iv  | other (for example a statutory corporation)        | <input type="checkbox"/>            | please complete section (B) |



- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a  
 statutory function or ☐  
 a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/>		Other Title (for example, Rev)	
<b>Surname</b>		<b>First names</b>	
<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/> Please tick yes	
<b>Nationality</b>			
Current residential address if different from premises address			
Post town		Postcode	
<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
<b>Nationality</b>					
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

<b>Name</b> SALT SALON LIMITED
<b>Address</b> UNIT 10A STAMFORD WORKS 3 GILLETT STREET N16 8JH LONDON

Registered number (where applicable)  
12822206

Description of applicant (for example, partnership, company, unincorporated association etc.)  
PRIVATE LIMITED COMPANY

Telephone number (if any)  
[REDACTED]

E-mail address (optional)  
[REDACTED]

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
1	5	0	4	2	0	2	2

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			

Please give a general description of the premises (please read guidance note 1)

The Salt Salon is a high end eight chair saolon offering haircutting and colouring services. We are situated on the 2nd floor of a private sapce in Stamford Work, a former mill in Dalston Hackney. The building has been transformed into 23 commercial workspaces for 23 commercial tenants. The majority of tenants are in the media, music, design and fashion industries, although Stamford Works is also home to a thriving yoga centre, bakery. At the heart of the development is Jones and Sons, an independent bar and restaurant, and a successful music recording company, Dalston Studios. The period building enjoys impressive views over Hackney from the top floor deck and has become the hub of the local creative community. The building looks over Gillet Square. We are situated in the centre near the A10 by Dalston Kingsland & Junction Tube Stations, a variety of take-away, bar and restaurants, the Rio Cinema, Kingsland Shopping Centre and Ridley Road Market. We will aim to provide customers with natural wine, craft lagers and cocktails to enhance the experience of coming to Salt.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note Please tick all

2)

that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H) ☐

**Provision of late night refreshment** (if ticking yes, fill in box I) ☐

**Supply of alcohol** (if ticking yes, fill in box J) ☒

**In all cases complete boxes K, L and M**

**A**

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	09:00	22:30			
Tue	09:00	22:30			
Wed	09:00	22:30			
Thur	09:00	22:30	<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri	09:00	22:30			
Sat	09:00	22:30			
Sun	09:00	22:30			

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name</b> ASHA ANJA LAMBIE	
<b>Date of birth</b> [REDACTED]	
<b>Address</b> [REDACTED]	
<b>Postcode</b>	[REDACTED]
<b>Personal licence number (if known)</b> [REDACTED]	
<b>Issuing licensing authority (if known)</b> [REDACTED]	

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 9).

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon	09:00	23:00	<b>Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)
Tue	09:00	23:00	
Wed	09:00	23:00	
Thur	09:00	23:00	
Fri	09:00	23:00	
Sat	09:00	23:00	
Sun	09:00	23:00	

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

All staff engaged in licensable activity at the premises shall receive training and information in relation to the following:

- The 'Challenge 25' Policy, including the forms of identification that are acceptable;
- The hours and activities and conditions permitted in the premises licence;
- How to complete and maintain the refusal register in operation at the premises;
- Recognising the signs of drunkenness;
- The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase;
- Action to be taken in the event of an emergency, including reporting an incident to the emergency services.
- Training shall be recorded in documentary form and shall be regularly refreshed every year. Training records shall be made available for inspection.
- We shall adhere to the Portman Group Code of Practice for the promotion of alcoholic drinks and follow the Home Office guidance on selling alcohol responsibly. A drink, its packaging and any promotional material or activity shall not in any direct or indirect way appeal to under 18s or incorporate images of people who are or look as if they are under 25 years of age where there is any suggestion that they are drinking alcohol.
- There shall be a responsible trained person on duty at the premises at all times when the premises are open and selling alcohol.
- Potable water shall be available for all customers

**b) The prevention of crime and disorder**

An incident log shall be kept and maintained at the premises which shall include the time and date of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The logs shall be kept for at least 12 months following the date of entry and be made available for inspection.

- Open containers of alcohol shall not be removed from the premises.
- All alcohol shall be held securely
- The CCTV system shall be monitored and operated by the Designated Premises Supervisor. The premises shall operate x CCTV cameras: one camera is located at the front entrance door and the second camera by the till area? The system shall be registered with the Information Commissioners Office (ICO) and the premises shall operate a CCTV GDPR policy. This policy shall be made available for inspection. The CCTV system shall be fully compliant with the guidance contained in the ICO guidance document. Clear signage stating that CCTV is operating at the premises shall be displayed. The system will have a 30 day recording facility and be monitored by the owner by mobile device.
- The Designated Premises Supervisor shall attend any meeting convened by the Police to discuss matters relating to the premises.

**c) Public safety**

- In the absence of adequate daylight, there will be artificial lighting in areas accessible by staff or visitors to the premises.
- All exits/entrances shall be kept clear at all times.
- Regular/ongoing Health & Safety risk assessments shall be conducted to identify and deal with hazards that may involve tripping, manual handling, electric shock and hazardous substances.
- Regular/ongoing Fire risk assessments shall be conducted.
- A logbook shall be maintained to show that regular checks have been carried out.
- All designated escape routes and exits shall be maintained and kept free from obstructions.
- The exit to the premises shall be clearly identified.
- All regulatory checks of fire extinguishers and smoke detectors are in place.
- All portable equipment shall be kept in good working order and tested regularly.
- The premises shall maintain a first-aid box and accident book.

#### **d) The prevention of public nuisance**

- All internal and external doors, fixtures and fittings, lighting and emergency lighting shall be kept in good working order and regular checks made.
- No deliveries (in relation to licensable activities) to the premises shall take place between 19:00 hours and 07:00 hours.
- No collections of waste or recycling materials (including bottles) from the premises shall take place between 19:00 hours and 07:00 hours on the following day.
- All waste shall be properly presented and placed out for collection. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22:00 hours and 07:00 hours on the following day.
- A telephone number shall be made available in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number shall be a direct number to the named Designated Premises Supervisor. A record shall be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records shall be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the premises.
- No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
- The outside area shall be regularly swept and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

#### **e) The protection of children from harm**

- Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 month intervals.
- Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority. All training shall be signed and documented.

There shall be in place a written age verification policy in relation to the sale or supply of alcohol, which shall specify a Challenge 25 policy. Acceptable ID as follows:

- o A photo driving licence;
- o A passport;
- o A identification card carrying the 'PASS' hologram.



- The age verification policy shall include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18 (proxy sales).
- An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register shall include the date and time and reason for refusal, details of the person refusing the sale and description of the customer. The refusals register shall be made available for inspection.

**Checklist:**

**Please tick to indicate agreement**


- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- ☐ [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**


**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"><li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li><li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office right to work checking service which confirmed their right to work (please see note 15)</li></ul>
Signature	
Date	01/02/2022
Capacity	Acting Agent

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

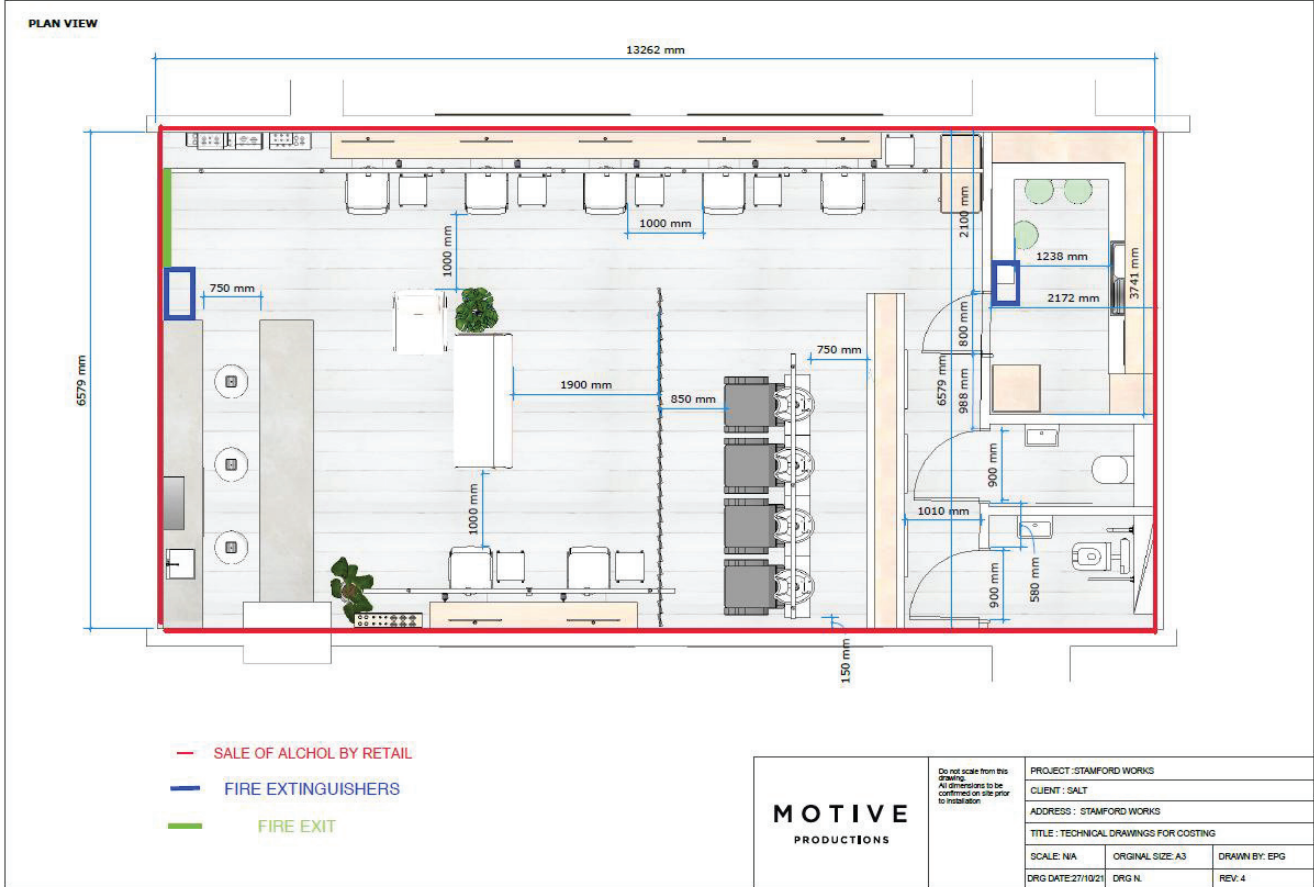
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)


If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i)



## APPENDIX B

### RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

#### RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Licensing Authority
ADDRESS OF AUTHORITY	Licensing Service Hackney Service Centre 1 Hillman Street London E8 1DY
CONTACT NAME	David Tuitt
TELEPHONE NUMBER	020 8356 4942
E-MAIL ADDRESS	david.tuitt@hackney.gov.uk

#### APPLICATION PREMISES

Premises	Salt Salon Unit 10a Stamford Works 3 Gillett Street London N16 8JH
Applicant	Salt Salon Limited

#### COMMENTS

I make the following relevant representations in relation to the above application at the above address.

- |    |                                      |   |
|----|--------------------------------------|---|
| 1) | the prevention of crime and disorder | X |
| 2) | public safety                        |   |
| 3) | the prevention of public nuisance    | x |
| 4) | the protection of children from harm |   |

Representations (which include comments and/or objections) in relation to:

I write in relation to the application for a new premises licence.

The premises is described as a high end hair salon offering hair cutting and colouring services. However information online suggests the premises is available for hire as an event space.

The premises is located within the Dalston SPA which is an area highlighted as suffering from the cumulative impact caused by the concentration of licensed premises in the area. The applicant does not appear to have included any information in order to rebut the Special Policy at LP10 of the Council Licensing Statement which states:

**LP10 Special Policy Areas – Dalston and Shoreditch**

**It is the Council's policy that where a relevant representation is made to any application within the area of the Dalston SPA or Shoreditch SPA, the applicant will need to demonstrate that the proposed activity and the operation of the premises will not add to the cumulative impact that is currently being experienced in these areas. This policy is to be strictly applied. It should also be noted that the;**

- **quality and track record of the management;**
- **good character of the applicant; and**
- **extent of any variation sought May not be in itself sufficient.**

**It should be noted that if an applicant can demonstrate that they will not add to the cumulative impact in their operating schedule and at any hearing, then the Core Hours Policy within LP3 will apply.**

The above representations are supported by the following evidence and information.

The Licensing Act 2003, guidance issued by the Home Office under s182 of the Licensing Act 2003

Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

The applicant should demonstrate that the additional activity will not add to the cumulative impact if it were to be granted. The applicant is therefore invited to make further submissions as to how this will be achieved. It also appears from the applicants website and Instagram page that alcohol may already be available at the site.



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Name: **David Tuitt (Business Regulation Team Leader) - Licensing and Technical Support**

5 April 2022

# APPENDIX C



Scale: 1:1250 at A4



**Salt Salon, Unit 10A Stamford Works, 3 Gillett Street, N16 8JH**

Ref:

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please specify copyright statement

Wednesday, April 13, 2022

email: